CHAP. XXX.

An ACT for the benefit of Thomas Watkins, of Montgomery county. Lib. JG. No. 2. fol. 310. A Private Act. Passed 24th of Dec. 1795.

CHAP. XXXI.

An ACT to lay out and open a public waggon road from Hughes's coaling ground, on the South Mountain, to interſect the road, at or near Joſeph Staley's, leading to Frederick-town. Lib. JG. No. 2. fol. 311.

WHEREAS ſundry inhabitants of Frederick-town and county, by their petition, have ſet forth, that great inconveniencies ariſe from the want of a public waggon road leading from Hughes's coaling ground, on the South Mountain, to Frederick-town, and have prayed that a road be laid out in the ſaid direction, and the prayer thereof appearing to this general aſſembly reaſonable; therefore, Preamble.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Henry Leatherman, Thomas Beatty, David Delawder, Daniel Gaver and John Smay, or any three of them, be and they are hereby appointed commiſſioners to ſurvey, lay out and open, at the expence of the petitioners, a road, not exceeding thirty feet in width, in ſuch direction as they ſhall conceive will beſt anſwer the intention of this act, beginning at or near Hughes's coaling ground, on the South Mountain, and to interſect the road near Joſeph Staley's, leading to Frederick-town; and the ſaid road, when ſo ſurveyed, laid out and opened, and the valuation herein after directed to be made ſhall have taken place, ſhall be recorded in Frederick county court, and ſhall be deemed and taken to be a public road for ever thereafter, and kept up, amended and repaired, as all other public roads in the ſaid county. Commiſſioners appointed, &c.

III. AND BE IT ENACTED, That the ſaid commiſſioners, or any three of them, ſhall aſcertain and value what damages may be ſuſtained by any perſon or perſons through whoſe land the ſaid road ſhall paſs, and the ſame, when ſo aſſeſſed, ſhall be paid as above directed before the ſaid commiſſioners ſhall proceed to open the ſaid road; provided always, that if any perſon or perſons through whoſe land the ſaid road ſhall paſs, or his, her or their guardian or truſtee, ſhall conceive themſelves aggrieved by ſuch valuation and aſſeſſment of damages by the ſaid commiſſioners, it ſhall and may be lawful for the ſaid commiſſioners, or any three of them, to iſſue their warrant to the conſtable of the hundred, to ſummon five freeholders of the county, qualified by law to ſerve as jurors in the county court, and no way intereſted or related to the party or parties ſo complaining, to appear, on a day to be by them appointed, on the premiſes, and to give notice thereof to the party or parties, and the ſaid commiſſioners are hereby authoriſed to adminiſter an oath to every ſuch freeholder, that he will, without favour, affection, prejudice or partiality, aſſeſs the damages ſuſtained by the perſon or perſons at whoſe requeſt ſuch inquiſition ſhall be taken by reaſon of opening the aforeſaid road through his, her or their land, and ſuch freeholders ſhall thereupon proceed to aſſeſs and value the damages accordingly, and ſuch inquiſition and valuation ſhall be final and concluſive between the parties; and provided alſo, that the ſaid road ſhall not be opened through the buildings, gardens, yards, orchards or meadows, of any perſon, without his, her or their conſent. Who ſhall aſcertain damages, &c.

CHAP. XXXII.

An ACT to revive and aid the proceedings of the orphans court of Calvert county, and to call and adjourn the ſame. Lib. JG. No. 2. fol. 313.

CHAP. XXXIII.

An ACT for laying out a road by Banker's mill, in Frederick county. Lib. JG. No. 2. fol. 314.

WHEREAS ſundry inhabitants of Frederick county, by their petition to this general aſſembly, have ſtated, that great inconveniencies are ſuſtained by them for the want of a public highway from Erb's hill, by Banker's mill, towards a road of Pennſylvania leading from Hanover-town to Maryland, and that the opening ſuch a road would greatly facilitate the tranſportation of their produce to market, without any material injury to any of the citizens of this ſtate; and the ſaid facts being eſtabliſhed to the ſatisfaction of the general aſſembly, Preamble.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Stephen Wincheſter, Joſhua Giſt and David Shriver, junior, of Frederick county, or any two of them, ſhall be and they are hereby appointed commiſſioners to ſurvey, lay out and open, a public road, not exceeding forty feet in Commiſſioners appointed, &c.

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width clear of ditches, from Erb's hill, by Banker's mill, to interſect the ſtate line at the place where the road from Hanover-town, in Pennſylvania, towards Banker's mill, interſects the ſaid ſtate line, in the direction which will beſt ſuit the ſituation of the ground, and anſwer the purpoſes of this act; and a plot of the ſaid road, when ſo ſurveyed and laid out, ſhall be returned to the levy court of Frederick county to be recorded, and ſhall for ever thereafter be deemed and taken to be a public highway, and repaired and improved in the ſame manner as other public roads in the ſaid county.

Damage to be aſcertained, &c.

III. AND BE IT ENACTED, That any damage ſuſtained by any perſon or perſons whatſoever by the opening of the road aforeſaid, ſhall be aſcertained and determined by the juſtices of the levy court, and the amount thereof paid and ſatisfied in the manner directed by the act, entitled, An act to ſtreighten and amend the ſeveral public roads in ſeveral counties, and for other purpoſes therein mentioned, and the ſupplement thereto, paſſed at November ſeſſion, ſeventeen hundred and ninety-one; and the ſaid road ſhall, in all other reſpects, be ſubject to the regulations contained in, and entitled to the benefits conferred by, the ſaid act and ſupplement, and the act, entitled, An act relating to public roads in this ſtate, and to repeal the acts of aſſembly therein mentioned.

CHAP. XXXIV.

Paſſed 24th of Dec. 1795.

An ACT to confirm and make valid the proceedings of the levy court of Montgomery county. Lib. JG. No. 2. fol. 315.

CHAP. XXXV.

An ACT to revive and aid the proceedings of Calvert county court. Lib. JG. No. 2. fol. 315.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the county court of Calvert county ſtood adjourned until the ſeventh day of the preſent month of December, and that no one of the juſtices of the ſaid court attended to call and adjourn the ſame, whereby divers actions, ſuits and proceedings, both civil and criminal, were diſcontinued, and the ſaid juſtices cannot legally hold the ſaid court until the next meeting appointed by law; for aiding therefore the ſaid actions, ſuits and proceedings, and for ſaving as far as may be the ſuitors from the damage that might otherwiſe be occaſioned by ſuch diſcontinuance,

Actions, &c. revived, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That all actions, ſuits, indictments, pleas, proceſs and proceedings, depending in the ſaid court on the ſaid ſeventh day of December inſtant, and all actions ſince commenced, or hereafter to be commenced, ſhall be and are hereby revived and continued, and ſhall be in the ſame ſtate and condition, to all intents and purpoſes, as if the ſaid court had met and been continued by regular and lawful adjournments, any thing in any law to the contrary notwithſtanding.

Proviſo.

III. PROVIDED ALWAYS, That nothing in this act ſhall extend to, or affect or make liable, the bail or ſecurity for any perſon's appearance at the ſaid court to have been held on the ſeventh inſtant, in any action or indictment, unleſs in the caſe of a perſon under proſecution for any crime or miſdemeanor a default was entered on the recognizance before the ſaid diſcontinuance, or the ſheriff was amerced before ſuch diſcontinuance for default of the defendant's appearance in any civil ſuit, but any recognizance entered into by the principal ſhall ſtand as an obligation for him to appear at the next meeting of the court, in the ſame manner as if the condition thereof was for his appearance at the next court, and if he ſhall not appear on calling the recognizance at the ſaid court, a default and judgment may be entered, and execution may be iſſued accordingly, or without calling the ſaid recognizance it ſhall be in the diſcretion of the court to reſpite the ſame until the ſucceeding term.

* 1794, ch. 54.

Juſtices to meet, &c.

IV. AND, whereas it is required by an act, * entitled, An act for the amendment of the law in certain caſes, that all ſheriffs bonds ſhall be taken between the eighth day of October and the firſt day of January in each year, BE IT ENACTED, That the juſtices of the ſaid court may and they are hereby required to meet on or before the firſt day of February next, and to take the ſheriff's bond, and do and perform the ſeveral duties which were required to be done on the day to which the ſaid court ſtood adjourned, and ſuch proceedings ſhall be as good and valid, to all intents and purpoſes, as if the ſaid court had met according to adjournment.

Court may call, &c.

V. AND BE IT ENACTED, That the ſaid court, at the meeting aforeſaid, ſhall have full power to call and adjourn the ſame to any day or days they may think proper.

CHAP.

CHAP. XXXVI.

A Further ſupplement to an act, * entitled, An act to ſtreighten and amend the public roads in Harford county. Lib. JG. No. 2. fol. 316.

Paſſed 24th of Dec. 1795.
* 1791, ch. 70.

This act was to continue and be in force until the 1ſt day of October next, and until the next ſeſſion of aſſembly thereafter. Expired.

CHAP. XXXVII.

An additional ſupplementary act to the act, * entitled, An act for the marking of highways, and making the heads of rivers, creeks, branches and ſwamps, paſſable for horſe and foot. Lib. JG. No. 2. fol. 318.

* 1704, ch. 21.

WHEREAS the act, entitled, An act for the marking of highways, and making the heads of rivers, creeks, branches and ſwamps, paſſable for horſe and foot, and the ſupplementary acts thereto, authoriſe the overſeers of the highways to cut down trees of a certain deſcription for the making of and repairing bridges over the heads of rivers, creeks, branches, ſwamps, or other low and miry places, and no proviſion being made by any of the ſaid acts for making the proprietors of the ſame any compenſation therefor; therefore,

Preamble.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That any perſon whoſe trees or wood ſhall be cut down or uſed for the purpoſe of making or repairing bridges, by the overſeers of the roads, in virtue of the act, entitled, An act for the marking of highways, and making the heads of rivers, creeks, branches and ſwamps, paſſable for horſe and foot, and the ſupplementary acts thereto, ſhall have full compenſation for the ſame from the county or counties in which the ſame ſhall be uſed, the value of which ſhall be aſcertained on oath of the overſeer or overſeers under whoſe direction the ſame ſhall be cut down or uſed, or ſuch other teſtimony as the levy court ſhall require, to be by him or them returned to their reſpective levy courts, at their next meeting after ſuch bridges or repairs ſhall be made.

Perſons to be compenſated, &c.

III. AND BE IT ENACTED, That if any overſeer or overſeers of any road or roads, under whoſe direction any trees or wood ſhall be cut down or uſed in virtue of the act aforeſaid, ſhall not make return of the value of the ſame, as by this act is directed, he ſhall pay the value of the trees or wood ſo cut down or uſed to the proprietor of the ſame, to be recovered by action of debt, or on the caſe to recover damages, as if the ſame were due on contract, and the county ſhall be exonerated from the ſame.

Penalty on overſeers for not making return, &c.

IV. AND BE IT ENACTED, That the ſeveral levy courts to whom ſuch return ſhall be made are hereby authoriſed and required to levy the ſame on the aſſeſſable property of their reſpective counties, to be included in the county tax of ſaid counties, for the uſe of the proprietors of ſaid trees or wood, and to be paid over to them by the collector thereof.

Value to be levied, &c.

V. AND, whereas doubts have ariſen whether overſeers of the roads are compelled to keep the bridges, which are or may be erected over creeks or runs, clear of trees, traſh or gravel, which may lodge againſt or near them ſo as to obſtruct the paſſage of the water, BE IT ENACTED, That it ſhall be the duty of overſeers of the roads to remove all trees, traſh or gravel, which may lodge againſt or near any bridge which is or may be erected over any creek or run ſo as to obſtruct the paſſage of the water, under the penalty of five pounds current money for every ſuch neglect.

Overſeers to remove trees, &c.

VI. AND, whereas doubts have ariſen what deſcription of perſons are intended to work on the public roads, under the exiſting laws to which this is a ſupplement, BE IT ENACTED, That every able bodied male perſon ſhall be and is hereby made ſubject to the like perſonal ſervices, and to incur the like penalties, in the ſame manner that labourers are in the aforeſaid recited acts; provided, that every ſuch perſon may, at his option, in the diſcharge of the duties aforeſaid, pay to the overſeer of the road the ſum of three ſhillings and nine-pence current money per day, for every day he ſhall be called upon to labour on the public roads, to be employed by him in procuring labourers to work upon the road, and it ſhall be the duty of the overſeer annually to account with the levy court of his county for all ſums of money which he ſhall receive in virtue of this act.

Who are ſubject to perſonal labour, &c.

CHAP. XXXVIII.

Paſſed 24th of Dec. 1795.

An ACT to empower the late ſheriff and collector of Montgomery county to collect the balances due him. Lib. JG. No. 2. fol. 319.

Preamble. WHEREAS Solomon Holland, late ſheriff and collector of Montgomery county, hath, by his petition to this general aſſembly, ſet forth, that he hath many balances due, and prays he may be empowered to collect, by diſtreſs, all ſuch balances; and this general aſſembly, being willing to grant him ſome further indulgence, therefore,

S. Holland to collect, &c. II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid Solomon Holland ſhall be and he is hereby empowered and authoriſed to collect, on or before the firſt day of October next, all balances due him as ſheriff and collector aforeſaid for the year ſeventeen hundred and ninety-four, in manner following, to wit: The ſaid Solomon Holland, or his deputy, ſhall, at leaſt ten days before execution or diſtreſs of property for arrearages aforeſaid, deliver to the perſon charged, or leave at his place of abode, a proved account, ſtating the taxes and the amount of fees to the officers reſpectively, together with all payments that may have been in any manner made by ſuch perſon, and the balance then due thereon, and if the perſon or perſons owing ſuch taxes or officers fees ſhall neglect or refuſe to pay the ſame, it ſhall and may be lawful for the ſaid Solomon Holland, or his deputies, to collect the ſame by execution or diſtreſs of property of the perſon or perſons ſo refuſing or neglecting, and to ſell and diſpoſe of the ſame at public auction, on giving five days notice, (excluding the day of ſeizure and day of ſale,) by advertiſement ſet up at the moſt public places in the neighbourhood, and at the court-houſe door of the county, of the day and hour of ſuch ſale.

Proviſo. III. PROVIDED ALWAYS, AND BE IT ENACTED, That all the books of ſaid ſheriff, and his deputies, in which their accounts as ſheriff and collector are ſtated and kept, ſhall be depoſited in the hands of ſome perſon at the town wherein the court-houſe of the ſaid county is ſituated, to be inſpected and examined by any perſon or perſons who ſhall apply for the ſame, in order to aſcertain any payments that may have been made upon his or her account.

CHAP. XXXIX.

An ACT to empower Richard Johns to collect the balances due him as ſheriff and collector of Talbot county. Lib. JG. No. 2. fol. 320.

Preamble. WHEREAS it is repreſented to this general aſſembly, by the petition of Richard Johns, late ſheriff and collector for Talbot county, that he hath many balances due him as ſheriff and collector aforeſaid, and that by reaſon of ſickneſs, and other unavoidable accidents, he was prevented from finiſhing his collection as ſheriff and collector aforeſaid within the time limitted by law, and the ſaid Richard Johns hath prayed he may be empowered to collect all ſuch balances due him as aforeſaid, in the ſame manner he might have done during the time of his commiſſion and appointment, in virtue of his ſaid ſeveral offices of ſheriff and collector; and this general aſſembly, for the reaſons ſtated in ſaid petition, are willing to grant him ſome indulgence,

R. Johns may collect, &c. II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid Richard Johns be and he is hereby authoriſed and empowered to take, demand, collect and receive, all and every ſum or ſums of money, quantity or quantities of tobacco, due him as ſheriff and collector for the year ſeventeen hundred and ninety-four, of the public aſſeſſment, county rates or officers fees, in the ſame manner as he might have done were his ſeveral offices unexpired, and the ſaid Richard Johns ſhall be allowed until the firſt day of October next to complete the collection of the balances aforeſaid for the year ſeventeen hundred and ninety-four, and ſhall be allowed the ſame commiſſion upon the ſaid collections that he would have been entitled to had his ſeveral offices been unexpired.

Proviſo. III. PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid Richard Johns, or ſome perſon or perſons authoriſed by him, ſhall, at leaſt ten days before the execution or diſtreſs of property for the balances aforeſaid, deliver to the perſon charged, or leave at his or her place of abode, a proved account, ſtating the taxes and the amount of fees, or ſuch part thereof as may be claimed as due, together with all payments that may have been in any manner made by ſuch perſon, and ſhall give at leaſt five days notice, by advertiſement at the moſt public places in the neighbourhood, of the time and place of ſale, in caſe of ſuch execution or diſtreſs; and provided alſo, that all the books of the ſaid Richard Johns, and his deputies, in which his accounts as ſheriff and collector are ſtated and kept, ſhall be depoſited in the hands of ſome perſon in the town of Eaſton, to be inſpected and examined

examined by every perſon who ſhall apply for the ſame, in order to aſcertain any payments that may have been made upon his or their account. CHAP. XXXIX.

CHAP. XL.

An ACT for altering the time of holding the orphans court in Worceſter county. Lib. JG. No. 2. fol. 321. Paſſed 24th of Dec. 1795.

See 1798, ch. 101, as to the time of holding the orphans courts in the ſeveral counties.

CHAP. XLI.

An ACT to enable the veſtrymen of the pariſh of Saint-James, in Anne-Arundel county, for the time being, to ſell a tract of land therein mentioned, and to apply the money ariſing by ſuch ſale towards the purchaſe of another tract or parcel of land, to be made a glebe for the uſe of the rector of that pariſh, and his ſucceſſors. Lib. JG. No. 2. fol. 322.

Preamble.

WHEREAS the rector and veſtry of the pariſh of Saint-James, in Anne-Arundel county, have ſet forth, in their petition to the general aſſembly, that a certain tract of land called Wrighton, being the glebe-land of ſaid pariſh, is ſo remotely ſituate from the church that great inconvenience reſults therefrom, as well to the rector of the pariſh as to the pariſhioners, and have prayed that an act may paſs, empowering them to ſell the ſaid land, and with the money ariſing from the ſale thereof to purchaſe other land more conveniently ſituate to the church; and this general aſſembly deeming it expedient that a law to that effect ſhould paſs, therefore,

Veſtry to ſell a tract of land, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the veſtrymen, or the major part of them, for the time being, of the pariſh of Saint-James, in Anne-Arundel county, be and they are hereby authoriſed and empowered, within twelve months from the paſſage of this law, to expoſe to ſale, at public auction, firſt giving two months notice in the Maryland Gazette of the day of ſuch ſale, a certain tract or parcel of land, ſituate, lying and being in the ſaid pariſh, commonly called Wrighton, and which hath been and now is the glebe-land of ſaid pariſh, and to execute and acknowledge conveyances in fee-ſimple to the perſon or perſons who may or ſhall be the higheſt bidder for the ſaid land, upon the whole of the purchaſe money being paid to them, the ſaid veſtrymen, for the time being, or the major part of them, and not before.

And purchaſe another, &c.

III. AND BE IT ENACTED, That the ſaid veſtrymen, or a major part of them, for the time being, may and ſhall apply the money ariſing from the ſale of the ſaid tract or parcel of land called Wrighton towards the purchaſe of another tract or parcel of land, lying in ſome more central part of the ſaid pariſh, and more convenient to the church; and the ſaid veſtrymen for the time being, or a major part of them, are hereby authoriſed and empowered to take a conveyance, in fee-ſimple, to them and their ſucceſſors, of ſuch land ſo by them purchaſed, and to hold the ſame in truſt and for the uſe and benefit of the rector of the ſaid pariſh, and his ſucceſſors, for ever.

Or place the money out to intereſt, &c.

IV. AND BE IT ENACTED, That in caſe the ſaid veſtrymen, or the major part of them, ſhall not, in ſix months after ſuch ſale made by them as before directed, be able to purchaſe ſome other tract or parcel of land more central to the pariſh, and more convenient to the church, then the ſaid veſtrymen, or the major part of them, are hereby empowered and directed to place the money ariſing from the ſale aforeſaid out to intereſt, upon ſuch ſecurity as they, or the major part of them, in their diſcretion, may deem good and ſufficient, which intereſt ſhall be yearly paid to the rector of the pariſh for the time being, until the purchaſe as aforeſaid can be made, which it is hereby declared to be the duty of the ſaid veſtrymen to make as ſoon as they poſſibly can, with a view of anſwering the beneficial object contemplated by this act.

Stock to be purchaſed, &c.

V. AND BE IT ENACTED, That in caſe the land which may or ſhall be purchaſed by the ſaid veſtrymen, in virtue of the power and authority veſted in them by this act, ſhall not amount in price to the full ſum which the ſaid veſtrymen may or ſhall receive for the afore-mentioned glebe-land called Wrighton, then the ſaid veſtrymen are hereby authoriſed and directed to purchaſe, with the ſurplus money that may remain in their hands, three *per cent.* ſtock in the funds of the United States, and to receive the intereſt and dividends that may accrue due on the ſaid three *per cent.* ſtock ſo by them

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them purchaſed, and pay the ſame over, once in each year, to the rector of the ſaid pariſh, and his ſucceſſors for ever.

Veſtrymen to give bond, &c.

VI. AND BE IT ENACTED, That before the ſaid veſtrymen ſhall proceed in the execution of the authority veſted in them by this act, they ſhall give bond to the ſtate of Maryland, in ſuch ſum, and with ſuch ſecurity as the chancellor ſhall think proper and approve of, conditioned for their faithful performance of the authority and duties veſted in and impoſed on them by this act.

CHAP. XLII.

Paſſed 24th of Dec. 1795.

An ACT to empower Benjamin Preſton to collect the balances due him as ſheriff and collector of Harford county. Lib. JG. No. 2. fol. 324.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of Benjamin Preſton, late ſheriff and collector of Harford county, that he was appointed collector of the county rates in ſaid county for the years ſeventeen hundred and ninety-two, ſeventeen hundred and ninety-three, and ſeventeen hundred and ninety-four, and that he was the ſheriff of ſaid county for the years aforeſaid, and in virtue of ſaid office of ſheriff a number of officers fees was alſo put into his hands for collection, and that, owing to a variety of circumſtances, he has been unable to complete his ſaid collections within the time preſcribed by the act of aſſembly in ſuch caſes made and provided, and the ſaid Benjamin Preſton hath prayed he may be empowered to collect all ſuch balances due him as aforeſaid, in the ſame manner as he might have done during the time of his commiſſion and appointment aforeſaid; and this general aſſembly being willing to grant him ſome indulgence, therefore,

B. Preſton may collect, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid Benjamin Preſton be and he is hereby authoriſed and empowered to take, demand, collect and receive, all and every ſum or ſums of money, quantity or quantities of tobacco, county rates and officers fees, due him as ſheriff and collector aforeſaid for the year ſeventeen hundred and ninety-four, in the ſame manner as he might have done were his ſeveral offices unexpired; and the ſaid Benjamin Preſton ſhall be allowed until the tenth day of October next to complete the collection of the balances aforeſaid, and ſhall be allowed the ſame commiſſion upon the ſaid collections that he would have been entitled to had his ſeveral offices been unexpired.

Proviſo.

III. PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid Benjamin Preſton, or ſome perſon or perſons authoriſed by him, ſhall, at leaſt ten days before the execution or diſtreſs of property for the balances aforeſaid, deliver to the perſon charged, or leave at his or her place of abode, a proved account, ſtating the taxes and the amount of fees, or ſuch part thereof as may be claimed as due, together with all payments that may have been in any manner made by ſuch perſon, and the balance due thereon, and ſhall give at leaſt five days notice, by advertiſement at the moſt public places in the neighbourhood, of the time and place of ſale in caſe of ſuch execution or diſtreſs; and provided alſo, that all the books of the ſaid Benjamin Preſton, and his deputies, in which his accounts as ſheriff and collector are ſtated and kept, ſhall be depoſited in the hands of ſome perſon in the county town of the county aforeſaid, to be inſpected and examined by any perſon or perſons who ſhall apply for the ſame, in order to aſcertain any payments that may have been made upon his or their account.

CHAP. XLIII.

* 1794, ch. 52.

A Supplement to an act,* entitled, An act relating to public roads in this ſtate, and to repeal the acts of aſſembly therein mentioned. Lib. JG. No. 2. fol. 325.

Preamble.

WHEREAS the act to which this is a ſupplement hath been conſidered as beneficial in its operation in the counties included in ſaid act, and as it is but reaſonable that the ſame ſhould be extended to ſuch other counties as deſire the benefit of its proviſions; therefore,

An act extended, &c.

* Chapter 52.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That an act, entitled, An act relating to public roads in this ſtate, and to repeal the acts of aſſembly therein mentioned, paſſed at November ſeſſion, ſeventeen hundred and ninety-four,* be and the ſame is hereby extended to Anne-Arundel and Waſhington counties, to operate on the ſaid counties, and each of them, in its various proviſions

viſions and clauſes, in the ſame manner as if all and each of them had been originally included, named and inſerted therein.

Money to be levied, &c.

III. AND BE IT ENACTED, That in lieu of the ſums of money to be raiſed by aſſeſſment, in virtue of ſaid act, in the counties of Baltimore, Somerſet, Cæcil and Kent, the juſtices of the ſaid counties, or a majority of them, ſhall annually, at their levy court, levy by equal aſſeſſment on the aſſeſſable property within their counties reſpectively, a ſum of money as follows, to wit: In Baltimore county a ſum not exceeding five ſhillings, in Somerſet (a) county a ſum not exceeding two ſhillings, in Cæcil county a ſum not exceeding ſix ſhillings, in Kent county (b) a ſum not exceeding three ſhillings and ſix-pence, on every hundred pounds of aſſeſſable property in ſaid counties; and the juſtices of the peace for Anne-Arundel and Waſhington counties, ſhall in the ſame manner levy on their reſpective counties a ſum of money as follows, viz. In Anne-Arundel county a ſum not exceeding four ſhillings, and in Waſhington county a ſum not exceeding ſeven ſhillings and ſix-pence, in every hundred pounds of aſſeſſable property in ſaid counties, the ſame to be laid out, expended and appropriated, as by ſaid original act, and this ſupplement, is directed.

(a) The act of 1794, ch. 52, as far as it reſpected Somerſet county, is repealed, and ſo noted under the ſecond ſection of that act.

(b) The act of 1794, ch. 52, is repealed, with its ſupplements, as to Kent county.

Juſtices to appropriate monies, &c.

IV. AND BE IT ENACTED, That the juſtices of the levy court of Waſhington county, or a majority of them, at their annual meeting, ſhall have full power and authority to appropriate all the monies raiſed by virtue of this or any former act, and which is not already expended on any of the public roads in the ſaid county, in ſuch manner and on ſuch public roads in the ſaid county as they in their judgment ſhall think proper, any thing in the act to which this is a ſupplement, and the act, entitled, An act to ſtreighten and amend the ſeveral public roads in ſeveral counties, and for other purpoſes therein mentioned, paſſed at November ſeſſion, ſeventeen hundred and ninety, * to the contrary notwithſtanding.

* Chapter 32.

And to contract, &c.

V. AND BE IT ENACTED, That the juſtices of the levy court in the reſpective counties of Baltimore, Talbot, (c) Somerſet, Cæcil, Prince-George's, Frederick, Montgomery, Kent, Anne-Arundel and Waſhington, ſhall have full power to contract with any perſon or perſons for the opening or clearing any road hereafter laid out, or to be laid out, in their reſpective counties, and for the improving and keeping in repair any road, (d) or ſuch part thereof, and for ſuch length of time during the exiſtence of this law, as in their judgment ſhall ſeem moſt adviſeable, and for the intereſt of the county; and where any perſon or perſons ſhall contract for the keeping in repair of any public road in virtue of this act, and ſhall neglect to keep the ſame in ſuch repair as it is the duty of the ſupervifors by law to do, then ſuch perſon or perſons ſo contracting ſhall be ſubject to the ſame penalty as ſupervifors of public roads in like caſes now are, to be recovered and applied in the ſame manner; and every perſon or perſons ſo contracting with the juſtices of the levy court in any county of this ſtate, ſhall give bond to the ſtate of Maryland, with ſuch ſecurity as the juſtices of the levy court ſhall approve of, and in ſuch ſum or penalty as they ſhall require, for the performance of ſuch contract, and ſuch contractors ſhall have and exerciſe all the powers which ſupervifors of public roads now have or may or can exerciſe in virtue of the act to which this is a ſupplement.

(c) See the notes as to Somerſet and Kent counties.

(d) By 1796, ch. 60, this proviſion (in the counties of Cæcil, Kent and Talbot,) is to extend only to roads laid out before the paſſing of the act.

Perſons to be appointed, &c.

VI. AND BE IT ENACTED, That in all caſes where any of the ſaid roads ſhall be let out to be completed or repaired on contract, it ſhall and is hereby declared to be the duty of the levy court of the county within which ſuch road ſhall lie, to appoint ſome perſon or perſons to view ſuch road, and report to them whether the ſame ſhall have been completed according to the terms of ſuch contract, before the ſaid court ſhall be authoriſed in virtue thereof to pay for the ſame; provided, that nothing herein contained ſhall extend, or be conſtrued to prevent the ſaid levy courts reſpectively from making ſuch advances of money to ſuch contractor or contractors, for completing or repairing the ſaid roads, as they in their diſcretion ſhall think neceſſary.

Damages, &c. when to be paid.

VII. AND BE IT ENACTED, That where any damages or ſum of money ſhall be allowed to any perſon or perſons for the opening of any public road through his, her or their land, the payment thereof ſhall not be made until the road for which ſuch damage or ſum of money is allowed be actually laid out and opened.

By 1796, ch. 60, where damages are claimed in Cæcil county, the juſtices may appoint three perſons to value the ſame.

VIII. AND

CHAP. XLIII.

Supervisors not to work with less than six labourers, &c.

VIII. AND BE IT ENACTED, That no supervisor of any public road shall at any time proceed to work and labour on such public road with a less number of able bodied labourers than six, unless it be for the purpose of removing some fallen trees or other obstruction, under the penalty of forfeiting his own wages for the time that a less number of hands shall be employed, and to be deducted out of his allowance by the levy court.

Part of an act repealed, &c.

IX. AND BE IT ENACTED, That so much of the original act to which this is a supplement as requires one third of the money levied on the inhabitants on the east and south side of Elk river to be expended on the roads on the east and south sides of said river, be and the same is hereby repealed, and the whole of the money collected in said county to be laid out on any roads in said county in the discretion and judgment of the levy court.

Part of another act repealed, &c.

* Chapter 32.

X. AND BE IT ENACTED, That all that part of an act of assembly passed at November session, seventeen hundred and ninety, * entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned, which authorises and empowers the justices of Montgomery county court to levy a sum, not exceeding two shillings in the hundred pound of assessable property, for the clearing and amending the several public roads in said county, be and the same is hereby repealed, and the power and authority by said act vested in the justices of said county court is hereby transferred to and vested in the justices of the levy court for said county.

Slaves may be required, &c.

XI. AND, whereas it is represented, that in Queen-Anne's (a) and Caroline counties a sufficient number of hands cannot be hired for reasonable wages to repair the public roads in said counties, by which means they remain in bad condition, and the supervisors subjected to a fine as for neglect; for remedy whereof, BE IT ENACTED, That the supervisors in the said counties of Queen-Anne's and Caroline shall have full power and authority, whenever it may be necessary, to require of the owner or owners thereof, in their respective counties, as many male slaves, most convenient to the roads to be repaired, as may be necessary to work on the same, not exceeding one half of the said slaves belonging to any person on any one day, nor shall any person be compelled to render more services in any one year than his or her road taxes may amount to.

(a) By 1799, ch. 70, all acts relating to public roads in Queen-Anne's county heretofore made are repealed.

Penalty for not furnishing, &c.

XII. AND BE IT ENACTED, That for every slave so required by the supervisor and not furnished, the owner thereof shall forfeit and pay the sum of five shillings, to be recovered by the supervisors in the said counties respectively as in case of small debts, and when received shall be accounted for on oath, and paid to the levy court of the respective counties annually, to be applied to repairing the public roads in their county.

Road established, &c.

XIII. AND BE IT ENACTED, That the road leading from the post-road in the said county of Queen-Anne's, near Church-hill, to the public warehouse on the south-east branch called Tipping's Warehouse, and the road from the post-road at Centre-Ville to the public warehouse called Corsica Warehouse, on the head of Corsica creek, be and they are hereby established as public roads of said county, and any person erecting a nuisance on them, or either of them, or in any manner obstructing the same, shall be subject to the same penalty as persons are subject to for the like offence committed on any other public road.

Part of an act repealed, &c.

XIV. AND BE IT ENACTED, That so much of the fourth section of the act to which this is a supplement as directs the collectors of the several counties to deliver to each taxable person an account of his road tax, be and the same is hereby repealed, except so far as relates to Prince-George's, Caroline and Montgomery counties.

One supervisor to be appointed, &c.

XV. AND BE IT ENACTED, That the justices for Prince-George's county shall appoint at least one supervisor over every hundred to which there was, before the passage of the act to which this is a supplement, an overseer, and every supervisor shall receive, as a compensation for each day he may attend on the public roads agreeable to law, such sum as the justices may think sufficient, not exceeding ten shillings, any thing in the act to which this is a supplement to the contrary notwithstanding.

Road to be kept up, &c.

XVI. AND, whereas the provisions of this act, and the act to which this is a supplement, extend to the county of Somerset, but do not extend to the county of Worcester, and it is thereby rendered uncertain in what manner the road that divides the said counties ought to kept up and repaired; for ascertaining whereof, BE IT ENACTED, That the said road from the line of Delaware on the north to the middle of the north branch of Tondotank creek, where it crosses the same, shall be kept up and

and repaired by the county of Somerſet as other public roads of ſaid county are, and from the middle of ſaid branch the ſaid road ſouthernly to the extent thereof ſhall be kept up and repaired by the county of Worceſter as other public roads of ſaid county are. CHAP. XLIII.

CHAP. XLIV.

An ACT to open a road from George-town to a bridge to be erected over the river Patowmack at or near the Little Falls. Lib. JG. No. 2. fol. 329.

Paſſed 24th of Dec. 1795.

A PETITION has been preferred to this general aſſembly by John Templeman, James M. Lingan and Thomas Clark, directors of the George-town bridge company, praying that an act may paſs authoriſing the ſaid company to open a road, not exceeding ſixty feet in width, from George-town to a bridge to be erected over the river Patowmack at or near the Little Falls; Preamble.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the aforeſaid John Templeman, James M. Lingan and Thomas Clark, (a) be and they are hereby appointed commiſſioners for the purpoſe of locating, opening and laying off the ſaid road, in ſuch ways and manner as to them, or a majority of them, ſhall ſeem meet, ſo that the ſame ſhall not exceed ſixty feet in width; and that the truſtees of the ſaid bridge company, or a majority of them, for the time being, be and they are hereby appointed commiſſioners for laying off, opening and carrying into effect, the ſaid road, in ſuch ways and manner as to them ſhall appear moſt advantageous, ſo that the ſame do not exceed ſixty feet in width, and ſhall cauſe a location thereof to be made, and the ſame to be recorded among the records of the territory of Columbia; and the ſaid road ſhall be a public highway for ever, and kept in repair by ſaid company. Commiſſioners appointed, &c.

(a) By 1796, ch. 54, the mayor's court is empowered to fill the vacancy occaſioned by the death of Thomas Clark.

III. AND BE IT ENACTED, That Thomas Beall, of George, Thomas Turner and Joſeph Sprigg Belt, or a majority of them, be and they are hereby appointed commiſſioners to aſcertain and value what damages may be ſuſtained by any perſon or perſons through whoſe land the ſaid road may paſs by opening and clearing the ſame, and the ſaid valuation ſhall be made before the truſtees aforeſaid do proceed to the opening and clearing the ſame; and in caſe any proprietor or proprietors, his, her or their guardian or truſtee, ſhall conceive him, her or them aggrieved by the valuation of the ſaid commiſſioners, it ſhall and may be lawful for any juſtice of the peace of Montgomery county, on application by any perſon intereſted, to iſſue his warrant, under hand and ſeal, directed to a conſtable of ſaid county, commanding him to ſummon twelve freeholders, diſintereſted as to the ſaid road, to appear on a day by him appointed, on the land of the perſon making application as aforeſaid, and then and there reſpectively, before a juſtice of the peace of Montgomery county, take and ſubſcribe the following oath, or affirmation, to wit: "I, A. B. do ſwear, or ſolemnly, ſincerely and truly declare and affirm, that I will honeſtly and faithfully eſtimate and value the damage and injury ſuſtained by C. D. by the opening a road through the land of the ſaid C. D. in purſuance of the directions of this act;" and ſhall return the damages by them aſſeſſed to the ſaid juſtice, or any other juſtice of the peace of ſaid county, and the damages ſo aſſeſſed and returned ſhall be concluſive; and the party or parties in whoſe favour the valuation aſcertained by the ſaid commiſſioners, or the damages aſſeſſed by the ſaid freeholders, ſo to be made, ſhall be entitled to receive the ſame from the directors of the ſaid bridge company for the time being, and the ſaid directors ſhall pay the amount of the ſaid valuation or damages to the reſpective parties entitled to receive the ſame, within the ſpace of ninety days next after the aſcertainment of ſuch valuation or damages, and before they ſhall proceed to affect the lands and tenements of the perſon or perſons concerned. T. Beall, &c. appointed, &c.

IV. PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid road ſhall not be made to paſs through any houſe, yard or garden, without the conſent of the owner thereof firſt had and obtained. Proviſo.

CHAP. XLV.

A Supplement to an act, (b) entitled, An act to lay out ſeveral turnpike roads in Baltimore county. Lib. JG. No. 2. fol. 330.

(b) April, 1787, ch. 23.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the commiſſioners herein after named, or a majority of them, ſhall cauſe the road leading from Baltimore-town to York-town aforeſaid, firſt to be opened and cleared for the diſtance of eighteen miles from Baltimore-town; provided, Road firſt to be opened, &c.

CHAP. XLV.

that nothing herein contained shall be construed to prevent the said commissioners from making such repairs on the said roads already made, as they, in their discretion, from time to time shall deem necessary.

Commissioners to review the road, &c.

II. AND BE IT ENACTED, That the commissioners of review, or a majority of them, shall, as soon as convenient, review the road directed to be laid out by virtue of an act, entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned, passed at November session, seventeen hundred and ninety, * leading from Baltimore-town aforesaid towards Liberty-town, in Frederick county, and confirm the same as laid down by the special commissioners appointed under the act last aforesaid, or make such alterations as they may think most beneficial for the public convenience, agreeably to the said act, and they shall cause a plot thereof to be made and returned agreeable to the directions of the act aforesaid.

* Chapter 32.

And to open, &c. the turnpike roads, &c.

III. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall have full power and authority to open, clear and keep in repair, the several turnpike roads in Baltimore county, and may, in their discretion, finish and complete any of the roads aforesaid which they may think in their judgment will most conduce to the public good.

Commissioners appointed, &c.

IV. AND BE IT ENACTED, That Messieurs Daniel Bowley, William Owings, Philip Rogers, John Eager Howard, Charles Ridgely, (of Hampton,) James Ogleby and Thomas Worthington, shall be and they are hereby appointed commissioners of review of the turnpike roads in Baltimore county, and shall have all the powers and authority that the commissioners of review had under the act to which this is a supplement, and the act, entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned, passed at November session, seventeen hundred and ninety, and shall, before they act as such, take the following oath, or affirmation, to wit: "I, ——, do swear, or affirm, that I will, without favour, affection, partiality or prejudice, execute the trust imposed on me as a commissioner of review by the acts of assembly, entitled, An act for laying out the several turnpike roads in Baltimore county, and the supplement thereto, and an act, entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned, to the best of my skill and judgment."

Who may contract, &c.

V. AND BE IT ENACTED, That the said commissioners of review, or a majority of them, shall have power to contract and agree with any person or persons, or company, to make, complete and repair, any of the turnpike roads directed to be laid out by the act to which this is a supplement, except the road from Baltimore-town to Reister's-town, and the York road for the distance of eighteen miles from Baltimore-town, and to transfer to any person or persons, or company, with whom they may contract as aforesaid, the right and power to exact, ask, take and receive, such rates and tolls as they may judge expedient, not exceeding the rates established by the said original act; provided nevertheless, that the said commissioners shall not farm out any of the said roads, or transfer the right of toll thereon, for any greater term than forty years.

A jury to be summoned, &c.

VI. AND BE IT ENACTED, That in case any person or persons, or company, with whom the said commissioners may contract for the making, completing or repairing, of any of the aforesaid roads, shall neglect to complete or repair the same agreeably to their contract, the said commissioners, or a majority of them, shall cause a jury of five disinterested freeholders of the said county to come before them, on the roads not completed or repaired, who shall be sworn by the said commissioners, to inquire whether the said roads, or any of them, have been completed or repaired agreeably to the contract for that purpose; and the said jurors shall sign their inquisition, and deliver the same to the said commissioners, who shall cause the same to be recorded among the records of the said county within ten days thereafter; and if upon the said inquisition it shall be found, that the said road hath not been completed or repaired agreeably to the contract on which such inquisition is made, all rights acquired by the person or persons, or company, contracting for the completion or repair thereof, shall cease and determine, and the said commissioners shall thereupon exercise all such powers and authorities as by the said act might have been lawfully exercised in case no contract had been made, and shall be enabled to maintain an action in Baltimore county court, by the name of The Commissioners of Review, for the recovery of damages for the non-performance of such contract, in which action it shall be sufficient to declare for money had and received, and the contract on which the same is founded, and this act and the special matter may be given in evidence.

Commissioners to make regulations, &c.

VII. AND BE IT ENACTED, That the said commissioners of review shall have power to make such regulations for granting to broad wheeled carriages of draught such exemptions from the tolls, or any proportion

proportion of the tolls, impoſed by the original act, as they may judge proper, and may alſo order and direct on what ſide of the road carriages of draught or pleaſure, going to and returning from the ſaid town of Baltimore, ſhall paſs or travel, and may ordain and eſtabliſh penalties for the infraction of any ſuch regulation, not exceeding three pounds for any one offence; provided nevertheleſs, that no ſuch regulation of the ſaid commiſſioners ſhall commence until the ſame ſhall have been publiſhed at leaſt ſix ſucceſſive weeks in ſome one of the Baltimore news-papers.

How vacancies are to be filled.

VIII. AND BE IT ENACTED, That all vacancies of the ſaid commiſſioners of review ſhall be filled up by the commiſſioners of the tax for Baltimore county.

Roads to be extended, &c.

IX. AND, whereas it appears by laying out the York turnpike road, that the road from Hanover, where it interſects the ſaid turnpike road at or near the Beaver-dam run, and the road leading from Meridith's ford on the Great Falls of Gunpowder river, where it interſects the ſaid turnpike road at or near Towſon's tavern, will run parallel with and near the ſaid turnpike road a conſiderable diſtance, to the injury of individuals and an increaſe of the county expences, BE IT ENACTED, That the overſeers or ſupervifors of ſaid roads be authoriſed and directed to extend the ſaid roads, in a ſtreight direction, till they interſect the ſaid turnpike road, of the width of ſaid road, and to return a plot of the ſame to Baltimore county court, and if they approve the ſame, the ſaid overſeers or ſupervifors ſhall open the ſame at the county expence, to be allowed by the levy court; and the county court are hereby directed to permit the old road, or ſuch part thereof as they ſhall think proper, to be ſhut up and encloſed.

Commencement.

X. This act to commence on the tenth day of February next.

CHAP. XLVI.

An ACT for recording a patent therein mentioned. Lib. JG. No. 2. fol. 333. A Private Act.

Paſſed 24th of Dec. 1795.

CHAP. XLVII.

An ACT to authoriſe two lotteries in the city of Waſhington. Lib. JG. No. 2. fol. 334.

Preamble.

WHEREAS the opening and completing the canal already begun in the city of Waſhington, in the territory of Columbia, and making the ſame navigable, is a meaſure of great public utility;

Any ſcheme may be propoſed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for Notley Young, Daniel Carroll, of Duddington, Lewis De Blois, George Walker, William M. Duncanſon, Thomas Law and James Barry, or a majority of them, to propoſe any ſcheme or ſchemes of two annual lotteries for raiſing the ſum of fifty-two thouſand five hundred dollars, and to ſell and diſpoſe of the tickets therein; provided the ſaid Notley Young, Daniel Carroll, of Duddington, Lewis De Blois, George Walker, William M. Duncanſon, Thomas Law and James Barry, or a majority of them, ſhall, before the ſale or diſpoſal of any ticket or tickets in either of ſaid lotteries, give bond to the commiſſioners of the city of Waſhington for the time being, in the penalty of one hundred thouſand dollars, conditioned, that they will well and truly apply the monies ariſing therefrom, within two months after the drawing thereof, to the payment of the prizes drawn by the fortunate adventurers in ſaid lotteries, and the neceſſary expences incurred in the management thereof, and the reſidue to the opening and completing the canal in the city of Waſhington, and rendering the ſame navigable, under the direction and ſuperintendence of the ſaid commiſſioners and their ſucceſſors.

CHAP. XLVIII.

An ACT to empower William Goldſmith to collect the balances due him as ſheriff and collector of Anne-Arundel county. Lib. JG. No. 2. fol. 334.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of William Goldſmith, late ſheriff and collector of Anne-Arundel county, that he was appointed collector of the county rates in ſaid county for the years ſeventeen hundred and ninety-two, ſeventeen hundred and ninety-three, and ſeventeen hundred and ninety-four, and that he was the ſheriff of ſaid county for the years aforeſaid, and in virtue of ſaid office of ſheriff a number of officers fees was alſo put into his hands for collection, and that, owing to a variety of circumſtances, he has been unable to com-

CHAP. XLVIII.

plete his said collections within the time prescribed by the act of assembly in such cases made and provided, and the said William Goldsmith hath prayed he may be empowered to collect all such balances due him as aforesaid in the same manner as he might have done during the time of his commission and appointment aforesaid; and this general assembly being willing to grant him some indulgence, therefore,

W. Goldsmith may collect, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the said William Goldsmith be and he is hereby authorised and empowered to take, demand, collect and receive, all and every sum or sums of money, quantity or quantities of tobacco, county rates and officers fees, due him as sheriff and collector aforesaid for the year seventeen hundred and ninety-four, in the same manner as he might have done were his several offices unexpired; and the said William Goldsmith shall be allowed until the first day of October next to complete the collection of the balances aforesaid, and shall be allowed the same commission upon the said collections that he would have been entitled to had his several offices been unexpired.

Proviso.

III. PROVIDED ALWAYS, AND BE IT ENACTED, That the said William Goldsmith, or some person or persons authorised by him, shall, at least ten days before the execution or distress of property for the balances aforesaid, deliver to the person charged, or leave at his or her place of abode, a proved account, stating the taxes and the amount of fees, or such part thereof as may be claimed as due, together with all payments that may have been in any manner made by such person, and the balance due thereon, and shall give at least five days notice, by advertisement at the most public places in the neighbourhood, of the time and place of sale in case of such execution or distress; and provided also, that all the books of the said William Goldsmith, and his deputies, in which his accounts as sheriff and collector are stated and kept, shall be deposited in the hands of some person in the city of Annapolis, to be inspected and examined by any person or persons who shall apply for the same, in order to ascertain any payments that may have been made upon his or their account.

CHAP. XLIX.

Passed 24th of Dec. 1795.

A Supplement to an act,* entitled, An act for the more effectual preservation of the breed of wild deer. Lib. JG. No. 2. fol. 336.

* 1789, ch. 5.

Penalty for killing deer, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That from and after the first day of May next, it shall not be lawful for any person or persons whatsoever to kill, or otherwise destroy, any wild deer in Washington or Allegany county, except in the months of August, September, October, November and December, yearly, under the penalty of five pounds current money for every offence.

Person having deers flesh deemed the killer, &c.

II. AND BE IT ENACTED, That any person or persons in whose hands or custody any deer's flesh, except dried venison, shall be found, that shall not appear to have been killed agreeably to the provisions of this act, shall be deemed, taken and adjudged the killer or destroyer of such deer, and liable to the penalty aforesaid, unless such person or persons shall make it appear who it was that killed the same, or from whom such person thereof possessed, received the same, or that the same was killed agreeably to the provisions of this act.

CHAP. L.

An ACT to empower Charles Hodson to collect the balances due him as sheriff and collector of Dorchester county. Lib. JG. No. 2. fol. 336.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of Charles Hodson, late sheriff and collector of Dorchester county, that he was appointed collector of the county rates in said county for the years seventeen hundred and ninety-two, seventeen hundred and ninety-three, and seventeen hundred and ninety-four, and that he was the sheriff of said county for the years aforesaid, and in virtue of said office of sheriff a number of officers fees was also put into his hands for collection, and that, owing to a variety of circumstances, he has been unable to complete his said collections within the time prescribed by the act of assembly in such cases made and provided, and the said Charles Hodson hath prayed he may be empowered to collect all such balances due him as aforesaid, in the same manner as he might have done during the time of his commission and appointment aforesaid; and this general assembly being willing to grant him some indulgence, therefore,

II. BE

C. Hodſon may collect, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid Charles Hodſon be and he is hereby authoriſed and empowered to take, demand, collect and receive, all and every ſum or ſums of money, quantity or quantities of tobacco, county rates and officers fees, due him as ſheriff and collector aforeſaid for the year ſeventeen hundred and ninety-four, in the ſame manner as he might have done were his ſeveral offices unexpired; and the ſaid Charles Hodſon ſhall be allowed until the eighteenth day of October next to complete the collection of the balances aforeſaid, and ſhall be allowed the ſame commiſſion upon the ſaid collections that he would have been entitled to had his ſeveral offices been unexpired.

Proviſo.

III. PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid Charles Hodſon, or ſome perſon or perſons authoriſed by him, ſhall, at leaſt ten days before the execution or diſtreſs of property for the balances aforeſaid, deliver to the perſon charged, or leave at his or her place of abode, a proved account, ſtating the taxes and the amount of fees, or ſuch part thereof as may be claimed as due, together with all payments that may have been in any manner made by ſuch perſon, and ſhall give at leaſt five days notice, by advertiſement at the moſt public places in the neighbourhood, of the time and place of ſale in caſe of ſuch execution or diſtreſs; and provided alſo, that all the books of the ſaid Charles Hodſon, and his deputies, in which his accounts as ſheriff and collector are ſtated and kept, ſhall be depoſited in the hands of ſome perſon in the county town of the county aforeſaid, to be inſpected and examined by any perſon or perſons who ſhall apply for the ſame, in order to aſcertain any payments that may have been made upon his or their account.

CHAP. LI.

Paſſed 24th of Dec. 1795.

An ACT for enlarging the capital of this ſtate in the Patowmack company. Lib. JG. No. 2. fol. 337.

A Supplement, ch. 89.

Treaſurer to ſubſcribe, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the treaſurer of the weſtern ſhore of this ſtate be and he is hereby authoriſed and directed to ſubſcribe, in behalf of this ſtate, forty ſhares in the augmented capital of the Patowmack company, and to pay the ſum of five hundred and ſeventy-ſeven dollars and ſeventy-eight cents on each of ſaid ſhares; and the ſaid treaſurer ſhall receive the proportion of tolls which ſhall from time to time be due to the ſtate for ſaid ſhares, and the ſaid treaſurer ſhall have a right to vote for ſaid ſhares in perſon, or by proxy appointed by him.

But not until notified, &c.

II. AND BE IT ENACTED, That the treaſurer ſhall not ſubſcribe for any ſhare in the ſaid company until the preſident thereof ſhall notify to him, in writing, that the whole of the reſidue of the ſaid ſhares are ſubſcribed for; and the payment of the ſhares ſubſcribed for by the treaſurer ſhall be made at the times and in the proportion required of the individual ſtockholders in the ſaid augmented capital.

By ch. 89, unleſs the preſident and directors ſhall diſpoſe of ſixty ſhares of the augmented capital for one hundred and ſixty pounds ſterling each, they ſhall have no authority to receive from the treaſurer a ſubſcription for any part thereof, nor for any payment but in proportion as the other ſubſcribers ſhall pay, nor till the preſident and directors ſhall certify to the treaſurer that the preceding inſtalments have been paid on every ſhare of ſaid augmented capital.

CHAP. LII.

An ACT authoriſing the laying out certain roads in Worceſter county. Lib. JG. No. 2. fol. 338.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of ſundry inhabitants of Worceſter county, that the laying out a road from the Locuſt landing to interſect the main road leading from Snow Hill to Philadelphia, as alſo another road from William Davis's ſhop to Cornelius Ennis's landing, would be of general public advantage;

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Meſſieurs Joſhua Prideaux, Edward Henry, George Purnell, William Purnell and Littleton Robins, be and they are hereby appointed commiſſioners; and the ſaid commiſſioners, or a majority of them, are hereby authoriſed to open and clear, at leaſt twenty feet wide, the ſaid roads, in the manner following, viz. The ſaid firſt mentioned road from the ſaid Locuſt landing to interſect the road leading from Snow Hill to Philadelphia, and the ſaid laſt mentioned road from the ſaid William Davis's ſhop to the ſaid Cornelius Ennis's landing, and the ſaid roads, ſo opened and cleared, (after the valuation herein after directed to be made, or the damages herein after directed to be aſſeſſed, ſhall be paid, or ſecured to the individuals

CHAP. LII.

viduals concerned,) ſhall be recorded among the records of Worceſter county, and ſhall for ever thereafter be deemed a public road, and ſhall be kept in repair in the ſame manner as other public roads are kept in the ſaid county.

Who ſhall aſcertain damages, &c.

III. AND BE IT ENACTED, That the commiſſioners aforeſaid, or a majority of them, ſhall aſcertain and value what damages may be ſuſtained by any perſon or perſons through whoſe lands the ſaid roads may paſs by opening and clearing the ſame, and the ſaid valuation ſhall be made and paid before the commiſſioners ſhall proceed to open and clear the ſame; and in caſe any proprietor or proprietors ſhall conceive him, her or themſelves aggrieved by the valuation of the ſaid commiſſioners, or ſhall be an infant, *feme-covert*, or *non compos mentis*, it ſhall and may be lawful for the ſaid commiſſioners, on the application of any perſon intereſted, to apply to any juſtice of the peace for the county of Worceſter, who ſhall thereupon iſſue his warrant, under his hand and ſeal, to the conſtable of the hundred wherein ſuch lands may be, commanding him to ſummon twelve freeholders, diſintereſted in the ſaid road, to appear on a day by him to be appointed, on the ſaid lands, at which time ſuch freeholders ſo ſummoned ſhall reſpectively appear before ſuch juſtice, and take the following oath, or affirmation, viz. "I, A. B. do ſwear, or affirm, that I will honeſtly value the damage "and injury ſuſtained by C. D. by opening a road through the lands of the ſaid C. D. in purſuance "of this act;" and ſhall return an inquiſition of ſuch damages by them aſſeſſed to the clerk of the county court of Worceſter, and the damages ſo aſſeſſed ſhall be concluſive.

By whom to be paid, &c.

IV. AND BE IT ENACTED, That the perſons who may conceive themſelves intereſted or benefitted by ſuch roads, are hereby required to pay into the hands of the commiſſioners aforeſaid, for the uſe of the perſon or perſons in whoſe favour ſuch valuation may be made, immediately upon laying out the roads aforeſaid, whatever damages be as aforeſaid adjudged to the party ſuſtaining ſuch damages, and in caſe of failure of payment as aforeſaid, this act to be null and void, but in caſe of compliance with the proviſions of this act, the ſaid roads to be conſidered as public roads, and to be kept up as public roads in ſaid county.

CHAP. LIII.

Paſſed 24th of Dec. 1795.

An ACT for the benefit of Mary Jackſon, and others, ſecurities of William John Jackſon, late ſheriff of Prince-George's county. Lib. JG. No. 2. fol. 339.

Preamble.

WHEREAS Mary Jackſon, adminiſtratrix of William John Jackſon, late of Prince-George's county, deceaſed, and Clement Hill, James Warring, William D. Beall, William Ferguſon, Tobias Belt, Humphrey Belt, John M. Burgeſs and Charles Burgeſs, ſecurities for the ſaid William John Jackſon, late ſheriff of ſaid county, have, by their petition to this general aſſembly, ſet forth, that the ſaid William John Jackſon, late ſheriff of Prince-George's county, is lately deceaſed, and that they apprehend large ſums of money are due from and to the ſaid Jackſon, as ſheriff of Prince-George's county, and prayed that an act may paſs authoriſing them, the ſaid widow and ſecurities, to collect and ſettle the ſaid debts; and the prayer of the ſaid petition appearing reaſonable,

M. Jackſon, &c. inveſted with power, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Mary Jackſon, Clement Hill, James Warring, William D. Beall, William Ferguſon, Tobias Belt, Humphrey Belt, John M. Burgeſs and Charles Burgeſs, be and they are hereby inveſted with like power and authority, until the twentieth day of January, ſeventeen hundred and ninety-ſeven, to receive, collect and execute for, all arrears, public dues, officers fees, and other balances due to the ſaid Jackſon, as ſheriff of Prince-George's county, in as full and ample manner as he the ſaid Jackſon had as ſheriff at the time of his death; and the ſaid widow, and ſecurities, ſhall have the like power and remedy to ſettle with the deputies of the ſaid William John Jackſon as he the ſaid Jackſon in his life-time had, and to compel payment of any money due from them, or any of them; and all monies, when collected, ſhall be applied and paid by them, the ſaid widow and ſecurities, as the ſaid William John Jackſon, on his receipt thereof, ought to have paid and applied the ſame, and the balance, if any, after deducting any allowance or compenſation which may be made to any perſon or perſons that may be appointed to make and finiſh the collection of the debts or fees due to the ſaid Jackſon, as ſheriff, ſhall be conſidered as the perſonal eſtate of the ſaid William John Jackſon, and diſpoſed of as ſuch; and the ſaid Mary Jackſon, widow of, and the afore-mentioned ſecurities for, William John Jackſon aforeſaid, may take ſuch bond and ſecurity of the perſon or perſons which may be appointed to make and finiſh the collection aforeſaid, as they may think neceſſary for the performance of the truſt; provided, that nothing in this act ſhall diſcharge any of the ſecurities, or the ſaid adminiſtratrix, and that no greater

commiſſion

ommiſſion than ſix *per centum* for collection ſhall be allowed againſt the eſtate of the ſaid William John Jackſon. CHAP. LIII.

III. And be it enacted, That the ſaid adminiſtratrix and ſecurities of the ſaid William John Jackſon ſhall be entitled to receive the ſame commiſſion for the collection of any arrears due to the ſaid William John Jackſon, as ſheriff and collector aforeſaid, which the ſaid William John Jackſon would have been entitled to receive had he lived to have completed ſaid collection. Commiſſion allowed.

CHAP. LIV.

An ACT to pay the civil liſt, and other expences of civil government. Lib. JG. No. 2. fol. 340. Paſſed 24th of Dec. 1795.

CHAP. LV.

An ACT to authoriſe in certain caſes the adjournment of the courts therein mentioned. Lib. JG. No. 2. fol. 341.

Be it enacted, *by the General Aſſembly of Maryland*, That in all caſes hereafter where the general court, the court of appeals, any county court, orphans court or levy court, within this ſtate, ſhall not meet at the time preſcribed by law, or to which the ſaid courts may reſpectively ſtand adjourned, the regiſter or clerk of the ſaid courts reſpectively ſhall have full power and authority, and are hereby required, to adjourn their reſpective courts from day to day until a meeting of the judges or juſtices of the ſaid reſpective courts can be had as preſcribed by law, any former law of this ſtate to the contrary notwithſtanding. Regiſter, &c. may adjourn, &c.

CHAP. LVI.

A Supplement to the act, * entitled, An act directing the manner of ſuing out attachments in this province, and limitting the extent of them. Lib. JG. No. 2. fol. 341.

* 1715, ch. 40.

Be it enacted, *by the General Aſſembly of Maryland*, That from and after the paſſing of this act, if any perſon whatſoever, not being a citizen of this ſtate, and not reſiding therein, ſhall or may be indebted unto a citizen of this ſtate, or of any other of the United States, or if any citizen of this ſtate, being indebted unto another citizen thereof, ſhall actually run away, abſcond or fly from juſtice, or ſecretly remove him or herſelf from his or her place of abode, with intent to evade the payment of his or her juſt debts, ſuch creditor may, in either caſe, make application to any judge of the general court, juſtice of the county court, or juſtice of the peace; and on the oath or affirmation of ſuch creditor, made before any judge of the general court, juſtice of the county court, or juſtice of the peace, of this ſtate, or before any judge of any other of the United States, that the ſaid debtor is *bonâ fide* indebted to him or her in the ſum of ——, over and above all diſcounts, and at the ſame time producing the bond or bonds, bill or bills, proteſted bill or bills of exchange, promiſſory note or notes, or other inſtrument or inſtruments of writing, account or accounts, by which the ſaid debtor is ſo indebted, and alſo, (in the caſe of the debtor not being a citizen of this ſtate,) on the oath or affirmation of the ſaid creditor made as aforeſaid, that he or ſhe doth know, or is credibly informed and verily believes, that the ſaid debtor is not a citizen of this ſtate, and that he or ſhe doth not reſide therein, and alſo, (in the caſe of the debtor being a citizen of this ſtate,) on the oath or affirmation of the ſaid creditor made as aforeſaid, that he or ſhe doth know, or is credibly informed and verily believes, that the ſaid debtor is actually run away or fled from juſtice, or removed from his or her place of abode, with intent to injure and defraud his or her creditor or creditors, the ſaid judge of the general, juſtice of the county court, or juſtice of the peace, ſhall be and he is hereby fully authoriſed and required forthwith to iſſue his warrant to the clerk of the general or of the county court, as the caſe may require, to iſſue an attachment or attachments againſt the lands, tenements, goods, chattels and credits, of the ſaid debtor; upon the receipt of which warrant, together with the proofs on which the ſame was granted, and not otherwiſe, the clerk of the general or of the county court, (as the caſe may require,) ſhall iſſue ſuch attachment or attachments, in which there ſhall be the ſame clauſe of *ſcire facias* as by the act to which this is a ſupplement is directed to be inſerted in attachments awarded by either of the ſaid courts, and the like proceſs and proceedings ſhall and may be had thereon as are required and preſcribed by the ſaid act upon attachments awarded as aforeſaid. Creditor, in certain caſes, may make application, &c.

II. And be it enacted, That the oath or affirmation of ſuch creditor, made as aforeſaid before any judge of any other of the United States, ſhall not be good and ſufficient evidence, unleſs there be thereto annexed a certificate of the clerk of the court of which he is a judge, or certificate of the governor, Oath of creditor not good, &c.

CHAP. LVI.

governor, chief magiſtrate or notary-public, of ſuch ſtate, that the ſaid judge hath authority to adminiſter ſuch oath or affirmation.

Proviſion in caſes of attachments, &c.

III. AND BE IT ENACTED, That upon the iſſuing of every attachment as aforeſaid, there ſhall be therewith iſſued a writ of *capias ad reſpondendum* againſt the defendant, and a declaration or ſhort note, expreſſing the plaintiff's cauſe of action, ſhall moreover be filed, and a copy thereof ſhall be ſent with the writ, to be ſet up at the court-houſe door by the ſheriff.

Garniſhee may plead, &c.

IV. AND BE IT ENACTED, That to every attachment iſſued in purſuance of this act, the garniſhee may plead in behalf of the defendant ſuch plea or pleas as the ſaid defendant might or could do if he had been taken by the ſheriff under the writ of *capias ad reſpondendum*, iſſued as aforeſaid, and had accordingly appeared to the ſame.

Plaintiff may exhibit interrogatories, &c.

V. AND BE IT ENACTED, That in all caſes of attachments, it ſhall and may be lawful for the plaintiff to exhibit interrogatories, in writing, to the garniſhee aforeſaid, who ſhall, by rule of court, anſwer each and every of the interrogatories aforeſaid, touching or concerning the property of the defendant in his poſſeſſion or charge, or by him due or owing, at the time of ſerving of ſuch writ of attachment, or at any other time, and if ſuch garniſhee ſhall neglect or refuſe ſo to do, the court are hereby directed to adjudge that ſuch garniſhee hath in his poſſeſſion property of the defendant, or is indebted to ſuch defendant, to an amount and value ſufficient to pay the debt, damages and intereſt, of ſaid plaintiff, and coſts, and execution ſhall iſſue as in other caſes of condemnation in the hands of garniſhees.

On oath of plaintiff, a clauſe to be inſerted, &c.

VI. AND BE IT ENACTED, That if any plaintiff, in any writ of attachment, or any perſon for him, ſhall make oath or affirmation, that he verily believes that the perſon againſt whom ſuch writ of attachment ſhall be directed to be ſerved as garniſhee hath property belonging to the defendant in his hands and poſſeſſion, or under his care, or is indebted to the defendant in any ſum of money, although the ſame ſhall not then be due, and that he verily believes that he has juſt cauſe to fear that ſuch perſon is about to depart and remove from the county where he reſides, it ſhall be lawful for the clerk of the court where ſuch writ of attachment iſſues, on the affidavit being filed, to cauſe to be inſerted in the body of ſuch attachment a clauſe of *capias ad reſpondendum* againſt ſuch perſon as garniſhee, purſuant to the nature of the plaintiff's claim, and he ſhall be held to ſufficient bail to appear at court, and to make anſwers as by this act is directed, and further to render his body to priſon, or pay the condemnation money, if judgment ſhall paſs againſt him.

CHAP. LVII.

Paſſed 24th of Dec. 1795. * 1791, ch. 70.

A Supplement to the act,* entitled, An act to ſtreighten and amend the public roads in Harford county, and for other purpoſes. Lib. JG. No. 2. fol. 344.

Road to be laid out, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the road from the Little Falls of Gunpowder to Baltimore-town, in continuation of the road from Belle-Air, in Harford county, to the ſaid falls, directed to be laid out, cleared and opened, by the act to which this is a ſupplement, ſhall be laid out, opened and completed, and the expence thereof defrayed, by Baltimore county; and the juſtices of the levy court of the ſaid county ſhall annually apportion ſo much of the funds provided by law for repairing the public roads in Baltimore county to the ſaid road, as from a conſideration of its utility and importance they ſhall judge meet; provided nevertheleſs, that no part of the funds for the opening or completing the turnpike roads in the ſaid county ſhall be applied to the road in this act mentioned.

CHAP. LVIII.

An ACT to extend Pratt-ſtreet, in Baltimore-town, weſternly, until it interſects the turnpike road leading from ſaid town to Frederick-town. Lib. JG. No. 2. fol. 344.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of ſundry inhabitants of Baltimore-town, that they labour under many inconveniencies and diſadvantages for want of a direct road from the weſt and ſouth-weſt parts of Baltimore county to the Hanover market-houſe, wharfs and warehouſes, in the ſouth part of ſaid town, and pray that a road from the weſt end of Pratt-ſtreet

ratt-ſtreet may be extended weſterly, until it interſects the turnpike road leading from ſaid town Frederick-town, and the prayer of ſaid petition being reaſonable; therefore,

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That James Calhoun, Adrian Valck, nes Carey, John Stump and Samuel Owings, of Stephen, of the town aforeſaid, be and they are reby appointed commiſſioners, and they, or any three or more of them, are hereby authoriſed and powered to open and extend a road from the weſt end of Pratt-ſtreet aforeſaid, from the town oreſaid, of the ſame width of ſaid ſtreet, weſterly, until it interſects the turnpike road leading m ſaid town to Frederick-town, in a ſtreight direction, and to return a plot thereof to Baltimore unty court to be recorded; and when the ſaid road is ſo laid out, opened and extended, it ſhall be ereafter deemed a turnpike road; and that the ſaid road ſhall thereafter be under the juriſdiction d management of the commiſſioners appointed, or to be hereafter appointed, in virtue of an act, itled, An act to lay out ſeveral turnpike roads in Baltimore county, who ſhall have all the powers er the ſaid road, and the erecting a toll-gate thereon, as may be expedient or neceſſary to keep ſame in repair, in the ſame manner, and under the ſame tolls, as they now have or ſhall have as the other public turnpike roads in Baltimore county.

Who ſhall aſcertain damages, &c.

II. AND BE IT ENACTED, That the commiſſioners aforeſaid, or a majority of them, are hereby horiſed and empowered to aſcertain the loſs or damage of any perſon through whoſe lands the e may paſs, by laying out and opening the road aforeſaid, before they proceed to open or lay out ſame; and if any proprietor of lands may think himſelf injured thereby, it ſhall and may be ful for the commiſſioners aforeſaid, or a majority of them, and ſuch proprietor, each to appoint a ſon as arbitrator between them, and if the arbitrators differ, they to chooſe a third perſon, and he two perſons appointed as aforeſaid cannot agree about a third perſon, then and in that caſe ſhall chooſe a third perſon by lot, and the ſaid three perſons, or any two of them, ſhall value damage under all circumſtances, and return the ſame, under their hands and ſeals, to the ſaid miſſioners and proprietor, whoſe valuation ſhall be final and concluſive; but in caſe any proprie- ſhall neglect or refuſe to appoint ſuch arbitrator in fifteen days after the application to him for purpoſe made in writing, or in caſe the ſaid arbitrators do not return their award in fifteen s from ſuch appointment, or the proprietor be *non compos mentis*, an infant, abſentee or *feme-covert*, then and in every ſuch caſe the commiſſioners aforeſaid, or a majority of them, ſhall iſſue their rant, under their hands and ſeals, to the ſheriff of Baltimore county, commanding him to ſum- twelve freeholders, diſintereſted as to the ſaid road, to appear on a day by them to be appoint- on the land of the perſon ſo intereſted, and the ſaid freeholders ſhall take the following oath or mation, to wit: "I, A. B. do ſwear, or affirm, that I will honeſtly and faithfully eſtimate and lue the damage and injury ſuſtained by C. D. by opening and extending the road from Pratt- reet aforeſaid, (as the caſe may be,) through the land of C. D. in purſuance of this act," and return the eſtimation of damages, by them ſo aſſeſſed, to the clerk of Baltimore county, under r hands and ſeals; and the eſtimation of damages by them ſo aſſeſſed, or a majority of them, be final and concluſive.

By whom to be paid.

V. AND BE IT ENACTED, That all damages, coſts and expences, attending the laying out, ex- ling and confirming, the ſaid road, ſhall be paid by the petitioners for the ſame.

Road not to be opened without conſent, &c.

. AND BE IT ENACTED, That the commiſſioners aforeſaid ſhall not have power to open the ſaid through the land of any proprietor without his or her conſent, until the expiration of twelve ths next after the making of the award aforeſaid, or in caſe of the intervention of a jury until expiration of twelve months after the return as aforeſaid of their inquiſition, and moreover un- he damages aſcertained as aforeſaid ſhall have been paid, or tender thereof made.

CHAP. LIX.

Paſſed 24th of Dec. 1795.

ACT to incorporate an inſurance company in Baltimore-town. Lib. JG. No. 2. fol. 346.

Supplementary and other acts 1796, ch. 63, 1798, ch. 6.

Preamble.

WHEREAS ſundry perſons have formed themſelves into a ſociety for the inſurance of ſhips and merchandiſe at ſea, and have prayed to be incorporated by law: And whereas it appears to general aſſembly, that the granting of the prayer aforeſaid will be advantageous to the com- ial and agricultural intereſt of this ſtate,

CHAP. LIX.

J. Barry, &c. declared to be a body politic, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That James Barry, Thomas Law, Roſs and Simpſon, Peter Caſenave, Caſenave and Walker, Seton Maitland and company, Richard Curſon, junior, William Wilſon, Aquila Brown, junior, Heathcote and Dall, Frederick Pratt, William Harriſon, Archibald Stewart, John M'Lure, Abraham Falconar, Thomas Todd, William Slubey, Patrick Bennett, Charles Torrance, Henry Stouffer, George William Blackiſton, Joſeph Maffy, John Roſs, Rutter and Etting, Francis Johonnot and company, William Lowrey and company, Robert Taylor, William Duncanſon, Wallace and Hart, Harmanus Alricks, Hodgſon, Nicholſon and company, George Grundy, Paul Bentalou, Albert Seekamp, William Paca, John Forbes, William Ferguſon, James Weſt and company, Charles Wilmans and d'Werhagen, William Montgomery, William Lorman, Marcus M'Cauſland, Jacob Franks Levy, Archibald Moncrieff, Ebenezer Mackie, Munnikhuyſen and Saddler, Edward Pannel, Clingan and Simpſon, David Wincheſter, Williams and Low, William Wincheſter, Jonas Marean, Samuel Williams, John M'Fadon and company, John Stump, Lemmon and Levering, Rogers and Owings, William Taylor, Gittings and Smith, George Salmon, Paul Hartman, Andrew Aitken, William Cole, Robert and Alexander M'Kim, Henry Meſſonier, Joſeph Young, Thorowgood and Iſaac Smith, Edward Johnſon, junior, Robert Riddell, Joſeph Swan, George Repold, George Preſtman, Alexander M'Donald, Henry Schroeder, Emanuel Kent, Joſeph Thornburgh, George W. Field, Iſrael Pleaſants, John P. Pleaſants, Thomas Cantwell, David Poe, Adrian Valck, John Hacket, Buchanan and Young, David Williamſon, Nicholas Slubey, Robert Walſh, Benjamin Comegys and company, Peter Frick, David Harris, George Peter Keeports, Cumberland Dugan, Solomon Etting, William Smith, John Holmes, William M'Creery, Francis Hollingſworth, Lewis Paſcault, John Gay, James Ogleby, James Hindman, Archibald Campbell, Luke Tiernan, Alexander Furnival, Edward Woodyear, Joſeph Sterett, Engelhart Yeiſer, Andrew Buchanan, John M'Kim, Henry Payſon, Joſeph Smith, Martin Eichelberger, François de Blok, James Carey, Henry Didier, John Carrere, Joſeph Faurie, William Smith and company, John Merryman, Samuel and John Smith, Samuel Smythe, James Uſher, William Mathews, Richard Caton, Charles Carroll, of Carrollton, John Sherlock, James Corrie and James Fortune, and ſuch perſons as ſhall hereafter become ſtockholders in the ſaid company, ſhall be and are hereby created and declared to be one body politic and corporate, by the name and ſtyle of The Baltimore Inſurance Company, and by the ſame name and ſtyle ſhall, during the continuance of this act, have ſucceſſion, and be able to ſue and be ſued, implead and be impleaded, in any court of law or equity within this ſtate, and to make and have a common ſeal, and the ſame to change and alter when and ſo often as they ſhall think fit, and to ordain and eſtabliſh ſuch by-laws, ordinances and regulations as ſhall appear neceſſary for regulating the concerns of the ſaid company, not being contrary to this act, or to the conſtitution and laws of the United States, or of this ſtate.

Capital ſtock to conſiſt of three hundred thouſand dollars, &c.

III. AND BE IT ENACTED, That the capital ſtock of the ſaid company ſhall conſiſt of the ſum of three hundred thouſand dollars, to be divided into one thouſand ſhares of three hundred dollars each ſhare; one third part of each ſuch ſhare ſhall, on or before the ſecond Monday in February next, be paid to James Barry, Richard Curſon, junior, William Wilſon, John P. Pleaſants, Aquila Brown, junior, William M'Creery and Stephen Caſenave, who are hereby authoriſed to receive the ſame for the ſaid company, one other third part thereof to the directors, to be appointed in virtue of this act, within ſix months thereafter, and the reſidue on or before the ſecond Monday in February ſeventeen hundred and ninety-ſeven, the payment whereof ſhall be ſecured by negotiable notes, payable to the ſaid James Barry, Richard Curſon, junior, William Wilſon, John P. Pleaſants, Aquila Brown, junior, William M'Creery and Stephen Caſenave, with ſuch ſecurity as they ſhall approve; and in caſe default ſhall be made in the payment of any of the proportions of any ſhare at the time limitted for the payment thereof, it ſhall be lawful for the ſaid company to diſpoſe of the ſame, and the perſons ſo failing ſhall be held liable for any damage ſuſtained thereby, to be deducted out of the ſum paid in, and ſuch default ſhall be deemed a forfeiture of their right to every ſhare by them unpaid for as aforeſaid, but not of the money ſo paid in; provided, that if any perſon ſhall neglect or refuſe to pay the ſame one third part on or before the ſaid firſt Monday of February, he ſhall ceaſe to be a member of the ſaid corporation, and his ſhare or ſhares ſhall and may be diſpoſed of by the directors, to be choſen as is herein after directed, to ſuch perſon or perſons as may apply for the ſame.

Twenty thouſand to be kept, &c.

IV. AND BE IT ENACTED, That out of the capital ſtock aforeſaid, the ſum of twenty thouſand dollars be kept and preſerved in ſome ſecure place of depoſite, to anſwer all demands upon the policies for any loſſes incurred, and ſhall not be employed, either directly or indirectly, in the buſineſs of banking or trade. (a) and the reſidue of the ſaid capital ſtock ſhall be inveſted in the ſtock of the bank of the United States, or of the banks in this ſtate, or in the public debt of the United States

(a) By 1796, ch. 63, the company may employ the ſum received for payment of loſſes, on loan, at legal intereſt, on debentures, payable at Baltimore, at 60 days.

V. And

V. AND BE IT ENACTED, That the ſaid company ſhall not be competent to purchaſe, take or hold, any real or perſonal eſtate, other than ſuch as may be recovered by them for premiums, and ſuch as may be neceſſary for its immediate accommodation in buſineſs. Company not to purchaſe, &c.

VI. AND BE IT ENACTED, That for the better governing the affairs of the corporation aforeſaid, there ſhall be annually choſen, by ballot, on the firſt Monday in February, thirteen directors, being ſtockholders in the ſaid company, by a majority of the ſtockholders, and the directors ſo choſen ſhall ſerve for one year next enſuing the elections reſpectively, and until others ſhall be choſen, and no longer; and the directors ſo choſen, at their firſt meeting, ſhall chooſe one of their number as preſident, and from time to time ſhall ſupply any vacancy which may happen in the office of director or preſident, to continue until the next general election. Directors to be choſen, &c.

VII. AND BE IT ENACTED, That the directors for the time being ſhall have power to appoint ſuch officers, clerks and ſervants, under them, as ſhall be deemed neceſſary for executing the buſineſs of the ſaid company, and allow them ſuch ſalaries as they may judge reaſonable. Who ſhall appoint officers, &c.

VIII. AND BE IT ENACTED, That the ſaid directors ſhall, from time to time, apply all ſums received by them for premiums to the payment of their loſſes in the firſt inſtance, and to make up the amount of their original capital, where it ſhall ſuſtain any diminution by ſuch loſſes, and after replacing their original capital as aforeſaid, ſhall make ſuch dividend of the reſidue among the ſaid ſtockholders as they, in their diſcretion, ſhall think expedient. And apply all ſums, &c.

IX. AND BE IT ENACTED, That the following proviſions, limitations and reſtrictions, ſhall be deemed fundamental articles of the conſtitution of the ſaid company, to wit: Firſt. Every proprietor of ſhares not exceeding two, ſhall be entitled to one vote for each ſhare not exceeding two, and every proprietor of any number of ſhares exceeding two, ſhall be entitled to one vote for every two ſhares exceeding two; no ſtockholder ſhall be admitted to vote by proxy, but ſhall deliver in his vote in writing, under ſeal, for the firſt election to the committee appointed to receive ſubſcriptions, and for every ſucceeding election to the preſident for the time being, who ſhall deliver the ſame to the ſecretary unopened; but no transfer of any ſhare ſhall authoriſe or entitle the aſſignee to vote until the expiration of ſix months from the time of the transfer thereof; and all transfers ſhall be regiſtered in the books of the company. Second. No director ſhall be entitled to any compenſation for his ſervices, but the ſtockholders may, when met together, make to the preſident ſuch compenſation as they may think adequate to his ſervices; no director ſhall be entitled to any advantage which is not common to the ſtockholders. Third. The directors ſhall divide themſelves into committees, formed of three directors, and the committees ſhall attend in a weekly rotation at the office of the company; three directors, together with the preſident, ſhall be fully authoriſed to make inſurance in ſhips or veſſels and cargoes, or either of them, not exceeding twenty thouſand dollars on any one veſſel and cargo. Fourth. (a) Three members of the direction appointed at any general election ſhall not be eligible at the next general election, which three members ſhall be determined by lot among themſelves, at leaſt two months before each election, and a liſt of their names, and the time of election, ſhall be publiſhed by the ſecretary of the company, but no director ſhall be eligible for more than three years ſucceſſively; and if it ſhall happen that any director hath continued in office three years ſucceſſively, he ſhall not be eligible at the firſt general election which ſhall happen after the ſaid three years. Fifth. Half yearly dividends ſhall be made by the directors of the whole or ſuch proportion of the clear profits of the company as to them ſhall appear adviſeable, Sixth. The directors ſhall keep full, fair and correct entries of their proceedings, which ſhall at all times be open to the ſtockholders; and the books of accounts of the company ſhall be open to the ſtockholders ten days previous to each general election. Seventh. No perſon holding ſhares in any other inſurance office in Baltimore county ſhall be eligible to be choſen preſident or director in this company; (b) no perſon or company ſhall be entitled to hold more than ten (c) ſhares. Eighth. Nine directors, with the preſident, ſhall form a board, a majority of whom ſhall be empowered to make ſuch by-laws for the directions of the concerns of the company as may be neceſſary, not being inconſiſtent with this act. Fundamental articles.

(a) By 1796, ch. 63, the part of this act which requires three directors to be excluded annually by lot, is repealed.

(b) By 1796, ch. 63, a ſtockholder, who is likewiſe one in another inſurance company, may be eligible as a director, if he is not a director in ſuch other company.

(c) By 1798, ch. 6, this limitation is repealed, and the number permitted to be held is increaſed to fifty.

X. AND BE IT ENACTED, That the preſident, together with the majority of the directors, ſhall have power to purchaſe, to the amount of two hundred and eighty thouſand dollars, in bank ſtock of the bank of the United States, or of banks within this ſtate, or in the public debt of the United States. Preſident, &c. may purchaſe, &c.

CHAP. LIX. Commencement, &c.

XI. This act to commence on the first Monday of January next, and to continue and be in force for the term of nine years thence next ensuing, and until the end of the next session of assembly thereafter.

By 1796, ch. 63, the company may insure freights of ships, or vessels and goods, or merchandise on board them.

CHAP. LX.

Passed 24th of Dec. 1795.

An ACT to incorporate the Maryland insurance company. Lib. JG. No. 2. fol. 350.

A Supplement 1799, ch. 22.

Preamble.

WHEREAS sundry persons within this state have formed themselves into a society for the insurance of ships and merchandise at sea, and lending money on bottomry and *respondentia*, and have prayed to be incorporated by law; therefore,

D. Stewart, &c. to be a body corporate, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That David Stewart, David C. Stewart, John Stewart, Samuel Smith, John Smith, Robert Gilmor, William Patterson, Henry Payson, Archibald Stewart, John Stricker, James Nicols, Govert Haskins, William Smith, James West, William Taylor, John Holmes, Henry Nicols, James Calhoun, Jeremiah Yellot, John E. Howard, John Hollins, Aquila Brown, junior, Patrick Allison, Charles Ghequiere, William Lorman, Robert Oliver, Hugh Thompson, Ebenezer Mackie, James M'Henry, Richard Ratien, Nicholas Konecke, Seth Barton, Robert Purviance, James Clarke, Thorowgood Smith, Isaac Smith, Hercules Courtenay, Charles Ridgely, of Hampton, Richard Curson, junior, Nicholas Rogers, James A. Buchanan, John Swan, George Brown, James Stewart, William Robb, David M'Mechen, William Van Wyck, Joseph Young, Richard Caton, John O'Donnell, Robert Smith, Archibald Campbell, Andrew Buchanan, Lewis Pascault, Luke Tiernan, Christopher Johnson, George Grundy, Joseph Swan, George Sears, Philip Rogers, Solomon Etting, John Merryman, John Sherlock, Thomas Rutter, Reuben Etting, John Gay, Joseph Sterett, Lloyd Buchanan, John Donnell, John M'Fadon, Richard Gittings, Lambert Smith, Paul Bentalou, and such other persons as shall hereafter become stockholders in the said company, shall be, and are hereby created and declared to be, a body politic and corporate, by the name, style and title, of The Maryland Insurance Company, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of law or equity in this state, or elsewhere, and to make and have a common seal, and the same to break, alter or renew at their pleasure, and also to ordain and establish such by-laws, ordinances and regulations, as shall appear necessary for regulating the concerns of the said corporation, not being contrary to this act, or to the constitution and laws of this state, or of the United States.

By 1799, ch. 22, the company is empowered to purchase and hold, in fee-simple, a lot of ground in Baltimore, for the purpose of erecting suitable buildings, and to dispose of and convey the same.

Capital stock, &c.

III. AND BE IT ENACTED, That the capital stock of the said corporation shall be five hundred thousand dollars, divided into five hundred shares of one thousand dollars each share, and payable, one tenth part of each share on the first Monday of February, seventeen hundred and ninety-six, unto Hercules Courtenay, of Baltimore-town, who is hereby empowered to receive the same for the said corporation, and the remaining nine tenth parts to be paid as is hereafter directed; and if any person shall neglect or refuse to pay the same one tenth part on or before the said first Monday of February, he shall cease to be a member of the said corporation, and his share or shares shall and may be disposed of by the directors, to be chosen as is herein after directed, to such person or persons as may apply for the same, and who may be admitted members agreeably to the mode hereafter prescribed for the admission of transfers; provided, that no persons shall be a proprietor of more than ten shares in the said corporation.

Directors to be chosen, &c.

IV. AND BE IT ENACTED, That for the well ordering of the affairs of the said corporation there shall be thirteen directors, (being stockholders in the said company,) chosen by ballot on the first Monday of March, in the year seventeen hundred and ninety-six, and on the same day in every year thereafter, by a plurality of votes of the stockholders present, or by proxy, each stockholder having as many votes as he may hold shares; and the directors so chosen shall serve for one year next ensuing the elections respectively, and until others shall be chosen, and no longer, and at their first meeting after each election shall choose one of their own number as president; and should it at any time happen that an election of directors shall not be made upon the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day, within ten days thereafter, to hold and to make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation;

poration; and in case of the death, resignation or disqualification, of a director, the place of such director for the remainder of the year shall be filled up by the board of directors for the time being.

Who shall cause the names to be inserted, &c.

V. AND BE IT ENACTED, That the directors, thus chosen, shall immediately cause to be entered, in a good and sufficient book, in folio, the names of all the members of the corporation, with their number of shares thereto respectively annexed; and in the same book they shall also cause to be entered each and every transfer that shall from time to time be made of any of the said shares; and the stock of the said corporation shall be assignable and transferrable under such rules, regulations and by-laws, as shall be prescribed in that behalf by the said body corporate.

Require promissory notes, &c.

VI. AND BE IT ENACTED, That the said directors shall immediately require from the several stockholders promissory notes, with two approved endorsers, for the payment of the remaining nine tenths of their respective subscriptions, in nine several notes, each for one tenth part, payable on demand, or such collateral security for the payment thereof, either in the stock of the United States, in bank stock, or in land, as the said directors from time to time shall require and approve, which said notes, or such part of them as shall remain unpaid, shall be renewed in the month of February in every year, with the same, or such other two endorsers, as the said directors for the time being may require and approve; and in case such collateral security should at any time thereafter become manifestly insufficient, from a depreciation thereof, or otherwise, then the said directors shall, and they are hereby authorised and directed, to require the party to give to them such additional or other security as aforesaid, as they may approve, and any stockholder who may refuse to give such notes, or such collateral security as may from time to time be required as aforesaid, shall forfeit all his interest in the corporation, and his share, shares or parts of shares, shall be disposed of by the said directors, for the benefit of the corporation, to such person or persons as may apply for the same, who may be admitted a member or members according to the restrictions and qualifications herein contained, but the money which the directors shall receive from the sale of the share, shares or parts of shares, actually paid for by such delinquent, shall be repaid by them to him, his executors, administrators or assigns, but he shall nevertheless remain liable for his proportion of any loss which may arise from risks taken antecedent to said refusal; provided, that in case of the death of any stockholder, the neglect or refusal of his executors, administrators or legatee, to give the notes, or such collateral security as may be required as aforesaid, shall not be a forfeiture of the interest which the said stockholder, in his life-time, had in the corporation, but the said executor, administrator or legatee, shall have one whole year next after the day of the said death, either to give the said notes, or such collateral security as aforesaid, or to transfer the said share or shares; and in case the said notes, or the said collateral security, shall not be given within the said term of one year by such executor, administrator, legatee or assignee, all interest which the said stockholder had in his life-time in and to the said corporation shall be forfeited, and shall be disposed of as aforesaid by the said directors; and such executor or administrator shall be and he is hereby authorised and empowered, at any time within the said term of one year, to sell or transfer such shares as the orphans court of the county where such person or persons have obtained letters testamentary or letters of administration on the said estate, shall from time to time order and direct.

And make insurances, &c.

VII. AND BE IT ENACTED, That the said directors shall have full power and authority to make insurances upon vessels or merchandise at sea, or going to sea, or upon any goods, wares, merchandises, freights, or other personal property, going or gone by land or water, and to lend money on bottomry or *respondentia*, and generally to transact and perform all the business relative to the objects aforesaid.

No further payments to be required, &c.

VIII. AND BE IT ENACTED AND DECLARED, That it shall not be lawful for the directors, at any time after the receiving of the first payment as aforesaid, to require or demand from the stockholders any other or further payments, unless the same may be necessary to defray and satisfy losses previously sustained by the said corporation; and the directors shall have power to employ the funds belonging to the corporation in such manner as they may deem most advantageous to the institution, to appoint each and every year such officers, clerks and servants, under them, as shall be necessary, and to allow them severally a certain annual salary for their respective services, which shall be ascertained and fixed by the directors each and every year, immediately after the election of said directors, and before the appointment of the said officers, clerks or servants.

There shall be stated meetings, &c.

IX. AND BE IT ENACTED, That there shall be stated meetings of the board of directors on the first Monday of January, April, July and October, in every year, and occasional meetings at such other times as the president, or any three of the directors, shall think proper; and in case of the sickness

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ſickneſs or neceſſary abſence of the preſident, his place may be ſupplied by any other director whom the board of directors may for that purpoſe appoint.

Correct entries to be kept.

X. AND BE IT ENACTED, That the directors ſhall keep full, fair and correct entries of their proceedings, which ſhall at all times be open to the inſpection of the ſtockholders.

Directors to declare a dividend, &c.

XI. AND BE IT ENACTED, That the directors ſhall, on the firſt Monday of March of each and every year, declare a dividend of the profits of the company, or of ſo much thereof as to them ſhall appear adviſeable, and the dividend ſo declared ſhall be paid to the reſpective proprietors on demand, but the monies received as premiums on riſks which ſhall be undetermined and outſtanding, ſhall not be conſidered as part of the profits of the corporation; and in caſe of any loſs or loſſes, whereby the capital ſtock of the corporation ſhall be leſſened, no ſubſequent dividend ſhall be made until a ſum equal to ſuch diminution, and ariſing from the profits of the corporation, ſhall have been added to the capital.

Who ſhall not be a director.

XII. AND BE IT ENACTED, That no perſon who is a director of any other inſurance company ſhall be a director of this.

Stockholders not to be diſcharged, &c.

XIII. AND, for the greater ſecurity of perſons having inſurances effected in the Maryland inſurance company, BE IT ENACTED, That if at any time the funds of the corporation ſhould not be competent to pay and ſatisfy the juſt demands of the aſſured, that nothing herein contained ſhall be conſtrued to diſcharge the ſtockholders from being liable for their reſpective proportions of ſaid loſſes, according to the number of ſhares they may hold therein, but no ſtockholder ſhall be liable for more than his own proportion of loſſes as aforeſaid, or to anſwer for the failure or deficiency of others, further than as an endorſer on their notes; and if a judgment ſhall or may at any time be rendered againſt the ſaid corporation, in a ſuit upon a policy of inſurance by them ſigned, and no property can be found whereon an execution may be laid to ſatisfy the ſaid judgment, then and in ſuch caſe, the plaintiff or plaintiffs may, and he or they are hereby empowered to file, in the court of chancery, a bill of diſcovery and relief, againſt the directors of the corporation, as againſt private individuals, wherein they ſhall be ſeverally compelled to diſcover the intereſt or ſhares which each and every member of the corporation may have therein, and upon ſuch diſcovery being had, the chancellor ſhall aſcertain the proportionate parts of the ſaid judgment which the ſaid members ſeverally ought to pay, and he is hereby authoriſed to decree accordingly the ſum of money which each and every member of the ſaid corporation ſhall pay to the ſaid plaintiff or plaintiffs.

No transfers to be made, &c.

XIV. AND, whereas the ſecurity to the inſured, and the ſtability of this inſtitution, will greatly depend on the ſtockholders being perſons of ſufficient property to make good any loſſes that may poſſibly happen, BE IT THEREFORE ENACTED, That no transfer ſhall be made of the ſtock or ſhares of any member of this corporation, but ſuch as ſhall be approved of by at leaſt ſeven of the directors for the time being, who ſhall vote by ballot for that purpoſe; after which admiſſion the directors ſhall renew the ſecurity, and cauſe the transfer to be entered on their books kept for that purpoſe, and the purchaſer ſhall thenceforth be entitled to all the benefits, and be ſubject to all the loſſes, which the original proprietor would be entitled or ſubjected to.

Commencement, &c.

XV. This act to commence on the firſt Monday of February next, and to continue and remain in force for the term of nine years, and until the end of the next ſeſſion of aſſembly which ſhall happen thereafter.

CHAP. LXI.

Paſſed 24th of Dec. 1795.

An ACT reſpecting certificates of ſurveys made on the eaſtern ſhore.

Lib. JG. No. 2. fol. 355.

A Supplement 1797, ch. 53.

Preamble.

WHEREAS it is manifeſtly intended by the conſtitution of this ſtate, that the land-office to be opened on the eaſtern ſhore ſhould anſwer all the purpoſes of convenience to the ſaid ſhore of which it is capable: And whereas, agreeably to the acts of aſſembly now in force, that intention is by no means effectuated, but on the contrary great inconvenience and injury frequently ariſe to the ſaid inhabitants of the eaſtern ſhore; wherefore,

Certificates to be returned, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That all certificates of ſurveys made on the eaſtern ſhore of this ſtate, by virtue of warrants of whatſoever kind which may be iſſued out of the

the land-office of the said shore after the first day of March next, shall be returned, by the respective surveyors making the same, to the register of the land-office for the said shore, to be by him delivered to an examiner, (a) to be appointed as herein after mentioned, for the said shore; and if any certificate shall be found defective or imperfect, the said examiner shall forthwith return the same to the said register, to be by him transmitted to the surveyor who made the same, for correction, but if the same shall pass the examination of the said examiner, the said examiner shall deliver it to the register of the land-office for the said eastern shore, to be by him recorded in a proper and sufficient book, to be kept by him for the purpose of recording all such certificates, which it shall be his duty to do immediately after patent shall issue thereon, and not before; and the register of the said land-office, (after the payment of the purchase or caution money which may be due upon any certificate to the treasurer of the said shore,) shall make out a grant or patent, and shall present the same to the judge of the land office for the eastern shore, to be appointed as herein after directed, for his approbation, and the same being approved by him, and so certified, shall be transmitted by the said register, at his own proper expence, to the chancellor for his attestation, and being attested by him, and signed by the governor for the time being, the seal of the state shall be thereupon annexed, the cost and expence of which seal shall be paid by the register of the land-office on the eastern shore, in the same manner as is now or may hereafter be directed by law, which sum, so paid by the said register, together with the sheriff's commission for collection, may be collected from the owner of the patent by the said register, in the same manner as officers fees are by law directed to be collected; and every grant or patent so obtained shall, immediately thereafter, be recorded in the land-office for the eastern shore, in a proper and sufficient book, to be kept for the purpose of recording all such grants or patents.

(a) By ch. 88, no original certificate of survey or resurvey is to be received in the land-office unless passed by the examiner-general.

Governor to appoint an examiner, &c.

III. AND BE IT ENACTED, That on or before the said first day of March next, the governor, with the advice of the council, shall be authorised to appoint and commission one fit and proper person, who shall reside at Easton, in Talbot county, to be the examiner for the eastern shore, who shall examine, and either pass or reject, any certificate delivered to him agreeably to the present or future rules and directions established or to be established for the government of the land-office of each respective shore, and according to such of them as the case may require, and in case of refusal, death, disqualification or resignation, of any person so appointed as aforesaid examiner of the eastern shore, the governor, with the advice and consent of the council for the time being, shall appoint and commission one fit and proper person to supply his place; and every person appointed shall, before he acts in his office, take the oath, or affirmation, as the case may be, to the government, and an oath, or affirmation, as the case may be, to execute his office diligently and faithfully, without favour, affection, partiality or prejudice.

Value to be returned, &c.

IV. AND BE IT ENACTED, That the value in current money of all escheat lands, and improvements thereon, and the real value in current money of all improvements on cultivated lands, on the eastern shore, shall be returned and certified by the surveyor, upon oath, or affirmation, as the case may be, at the time of returning his certificate of survey, and the treasurer of the eastern shore shall, in all such cases, finally ascertain the value of such lands and improvements, and shall receive the money therefor from the party.

Judge to be appointed, &c.

V. AND BE IT ENACTED, That the governor, with the advice and consent of the council, be hereby authorised to appoint and commission, on or before the first day of March next, a person of integrity and knowledge in the law, to be judge of the land-office for the eastern shore, who shall reside at Easton on the said shore, and whose duty it shall be to hear and determine all disputes that shall happen or arise concerning the grant of lands, or the validity of surveys made and executed under warrants that shall be issued out of the said office after the said first day of March next, in like manner, and according to such rules or orders, as are or shall be established for the government and direction of the chancellor in the determination of like cases, and who shall thereafter have all the powers and authorities, with respect to land affairs on the eastern shore, that are now vested in the chancellor of this state as judge of the land-office thereof; and in case of death, refusal, resignation or disqualification, of any person appointed judge as aforesaid, the governor and council may appoint another in his place; and any person appointed shall, before he acts in his office, take the oath, or affirmation, as the case may be, to the government, and an oath, or affirmation, as the case may be, to execute his office diligently and faithfully, without favour, affection, partiality or prejudice.

By ch. 70, the salary of the judge is to be £. 150 0 0 *per annum*.

VI. AND

CHAP. LXI.

Party aggrieved may appeal, &c.

VI. AND BE IT ENACTED, That any party or parties aggrieved by any judgment or determination of the ſaid judge of the ſaid land-office for the eaſtern ſhore, ſhall have full power and right to appeal from any ſuch judgment or determination to the chancellor of the ſtate, as judge of the land-office; and in all caſes of ſuch appeals, where the judgment or determination ſhall be reverſed, the chancellor ſhall direct the regiſter of the land-office of the weſtern ſhore to return the tranſcript of the record to the regiſter of the ſaid land-office of the eaſtern ſhore, with an order, in the nature of a writ of *procedendo*, to the ſaid judge, directing him to proceed in ſuch caſe, and, as the caſe may be, to a new trial thereof, in the ſame manner as if no trial had taken place, and the opinion of the chancellor in the premiſes ſhall be concluſive as to the queſtion by him decided; and the ſaid judge ſhall thereupon proceed in ſuch caſe to a new trial thereof, and ſhall, in his diſcretion, award coſts, incurred as well on the appeal aforeſaid as in the ſaid land-office.

Regiſter to make out a liſt, &c.

VII. AND BE IT ENACTED, That the regiſter of the land-office for the eaſtern ſhore ſhall annually, on or before the firſt day of October, make out and tranſmit to the commiſſioners of the tax of the ſeveral counties of the ſaid ſhore, a liſt of all grants or patents iſſued out of his office, together with the names of the grantees, and of the lands, and the quantity of acres contained in each grant, and the dates of the reſpective certificates and patents, and, in caſes of reſurveys, ſhall alſo enumerate the ſeveral tracts or parcels of land on which ſuch reſurvey is made, and the quantity of acres in each original tract or parcel, as far as the ſame can be aſcertained from ſuch certificate of reſurvey.

Rules, &c. to be tranſmitted, &c.

VIII. AND BE IT ENACTED, That in order to preſerve an uniformity of practice in the affairs of the land-offices of the weſtern and eaſtern ſhores, the governor and the council ſhall cauſe to be tranſmitted to the regiſter of the land-office, and to the examiner, for the eaſtern ſhore, certified copies of ſuch rules and orders as are now, and which may be hereafter, made and eſtabliſhed for the direction and government of land-offices, and for the conduct of the treaſurer in iſſuing titlings or orders for warrants, and for the obſervance of the ſaid examiner and regiſter in their reſpective offices, and for the behaviour of ſurveyors; which ſaid rules and orders ſhall be recorded by the ſaid reſpective officers, and be ſubject to the inſpection of any perſon who ſhall reaſonably require the ſame.

Examiner, &c. entitled to fees, &c.

IX. AND BE IT ENACTED, That the ſaid examiner and regiſter ſhall be entitled to the like fees of office for their reſpective ſervices as are now, or may from time to time, be allowed by law to the examiner and regiſter of the land-office for the weſtern ſhore for the like ſervices, and the ſaid regiſter ſhall alſo be entitled to ſuch fees for iſſuing ſubpœnas and attachments out of the ſaid land-office as are allowed for ſubpœnas and attachments iſſued out of the court of chancery.

By 1797, ch. 53, the examiner was to account, half yearly, on oath, with the treaſurer of his ſhore, for all fees received or due, and ſhall receive ſuch ſum as, (with the ſaid fees,) ſhall make £. 100 for ſuch half year. By 1798, ch. 114, the fees of the examiner were increaſed fifty *per cent.* and he was directed to lay before the next aſſembly an account, on oath, of the amount of his fees for the year. The act continued to 30th October, 1805, &c. by 1799, ch. 55.

Acts declared to be in force, &c.

X. AND BE IT ENACTED, That the ſeveral acts of aſſembly now in force for the government of land affairs, and of the reſpective officers concerned therein, on the weſtern ſhore, ſhall be and they are hereby declared and adjudged to be in force and of full effect for the government of land affairs, and of the reſpective officers concerned therein, on the eaſtern ſhore, except ſo much thereof as is virtually altered by this act.

Common warrants, &c. may iſſue, &c.

XI. AND BE IT ENACTED, That common or ſpecial warrants may iſſue from the land-office on the eaſtern ſhore for any deficiency in any grant, on ſuch deficiency appearing on a certificate of reſurvey, and alſo in the caſe of caution money paid, and the grant or certificate vacated; provided, that no warrant ſhall iſſue for any ſuch deficiency upon any grant or certificate which ſhall be iſſued or made before the firſt day of March next, until a certificate ſhall be obtained from the regiſter of the land-office of the weſtern ſhore, and produced to ſuch regiſter on the eaſtern ſhore, that no warrant has been before iſſued for ſuch deficiency, or any part thereof, nor the party under whom he claims in any manner ſatisfied for the ſame, as far as appears by the records of his ſaid office.

Regiſter may iſſue ſubpœnas, &c.

XII. AND BE IT ENACTED, That the regiſter of the land-office on the eaſtern ſhore may iſſue ſubpœnas, to ſummon parties to appear before the judge of the ſaid land-office to maintain or anſwer any caveat, or to require the attendance of any witneſſes to give teſtimony on any caveat, provided there be not leſs than fifteen days between the date of the ſubpœna and the day of the return thereof; and every ſheriff ſhall obey ſuch ſubpœna, and, on return thereof, attachment for contempt ſhall be iſſued by the ſaid regiſter againſt any witneſs who ſhall not attend, and the judge of the ſaid land-office

fice may fine such witness for non-attendance, as in cases of attachments issued out of the general court; and every witness shall have the same allowance for his attendance, and itinerant charges, as in subpœnas out of the general court, and may compel the party, at whose request he is summoned, to pay him the same, either by attachment out of the county court of the county wherein the person indebted resides, or by warrant before a justice of the peace if under ten pounds current money; and the judge of the said land-office may compel the person against whom he shall determine on the caveat to pay all the legal costs attending the same, and may also by rule, direct any deposition to be taken, and received as evidence before him on the hearing of any caveat, provided reasonable notice in such order be given to the other party.

CHAP. LXII.

An ACT for erecting a bridge over the Eastern branch of Patowmack river. Lib. JG. No. 2. fol. 359.

Passed 24th of Dec. 1795.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of Notley Young, Daniel Carroll, of Duddington, Thomas Law, William Mayne Duncanson, George Walker and Matthew Wigfield, that they, together with others, are desirous of forming a company for the purpose of erecting a bridge over the Eastern branch of the Patowmack river, from the lower end of Kentucky avenue, in the city of Washington, to the land of Matthew Wigfield: And whereas this general assembly approve the measure, which, if effected, will greatly tend to the benefit and convenience of the citizens of this state;

Books to be opened, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That it shall and may be lawful for the said Notley Young, Daniel Carroll, of Duddington, Thomas Law, William Mayne Duncanson and George Walker, to open, or cause to be opened, books for receiving and entering subscriptions for the said undertaking, to the amount of two hundred and twenty-five shares, at a rate not exceeding two hundred dollars for each share, to be ascertained by the said Notley Young, Daniel Carroll, of Duddington, Thomas Law, William Mayne Duncanson and George Walker, and to be published in the Annapolis, George-town, Baltimore and Alexandria news-papers, and Maryland Herald, six weeks previous to opening the said books, which subscriptions may be made personally, or by power of attorney; and whenever the said two hundred and twenty-five shares shall be subscribed, six weeks notice shall be given in the papers aforesaid, requiring a meeting of the subscribers at the city of Washington, and a majority of such attending subscribers, provided at such meeting at least one hundred and thirteen shares shall be represented, are hereby required and authorised to elect, by ballot, five of said subscribers directors, for managing all the concerns of the company for and during the residue of the then current year.

Stockholders incorporated, &c.

III. AND BE IT ENACTED, That the said stockholders, and their successors, from the time of the said first meeting, shall be and are hereby declared to be incorporated, by the name of The Eastern Branch Bridge Company, and by that name may sue and be sued, implead and be impleaded, answer and be answered; and the proprietors are hereby required to meet in the city of Washington on the first Monday in January in every year thereafter, and elect five directors, for the purpose of conducting and managing the concerns of the said company for one year; and that the said board of directors shall, from time to time after the said bridge shall be completed and opened, receive all the profits arising from the tolls, and cause to be made the necessary repairs thereof, and shall keep a regular account of such their receipts and expenditures, and make an annual dividend of the net profits thereof among the said stockholders; and in the first election, as well as in every subsequent election, each proprietor shall be entitled to one vote for every share, and any proprietor may, by writing under his hand and seal, and signed in the presence of two witnesses, depute any other proprietor to vote and act as his proxy.

Directors may demand subscription money, &c.

IV. AND BE IT ENACTED, That the said directors, or any three of them, shall and may demand and require any part of the subscription money, in equal proportion, from each and every proprietor, which may from time to time be found necessary for carrying on the building of the said bridge, and after six weeks public notice of such demand in the several news-papers herein before mentioned, it shall and may be lawful for the directors to sue for and recover, in the name of the company, such unpaid requisition, with all costs and charges incidental thereto, and legal interest thereon from the time the same should have been paid; and the neglect or refusal to pay any such requisition, after public notice shall have been given as aforesaid, shall have the effect to forfeit all preceding payments made on the share or shares so neglected or refused to be paid, to the use and benefit of the company; provided, that in case of the death of any stockholder, the neglect or refusal of his executors, ad-

CHAP. LXII.

miniſtrators or legatee, to make the payment that may be required as aforeſaid, ſhall not have the effect to forfeit immediately the ſaid preceding payments made by the ſaid ſtockholder in his life-time, but the ſaid executor, adminiſtrator or legatee, ſhall have one whole year next after the day of the ſaid death to make the payments required.

Bridge to be built in a ſubſtantial manner, &c.

V. AND BE IT ENACTED, That the ſaid bridge ſhall be built in the moſt ſecure and ſubſtantial manner, ſhall be ſecured and ſupported at each end by good and ſufficient abutments or piers of ſtone, and ſhall be not leſs than twenty feet wide, and that there ſhall be a draw in the aforeſaid bridge, ſufficient to admit veſſels to paſs and repaſs, of at leaſt thirty feet wide; and as ſoon as the ſaid bridge ſhall be completed as aforeſaid, the directors for the time being ſhall forthwith tranſmit to the governor and council a full and fair account, ſupported by proper vouchers, of the coſt of ſaid bridge, and ſhall annually tranſmit to the governor and council a yearly account, on oath, or affirmation, of the tolls received and expences incurred on ſaid bridge.

And veſted in the corporation, &c.

VI. AND BE IT ENACTED, That for and in conſideration of their great riſk, and the expences to be incurred by the ſaid proprietors, not only for building the ſaid bridge, but for keeping the ſame in continual repair, the ſaid bridge, when built and completed according to the directions of this act, and all its profits, ſhall be and the ſame are hereby veſted in the ſaid corporation for ever, ſubject to the proviſions herein after contained; and it ſhall and may be lawful for the ſaid directors, at all times hereafter, for the term of thirty years after the ſaid bridge ſhall be completed as aforeſaid, ſo as to entitle them to tolls, to demand and receive ſuch reaſonable tax, or toll, as they may from time to time agree on and require, provided they ſhall not, at any time, demand or receive more than the preſent rates of ferriage over the Eaſtern branch, which rates or toll ſhall at all times be made public, and ſhall not be altered or changed oftener than once in each year, and at the expiration of the ſaid term of thirty years, the ſaid directors ſhall receive ſuch tolls as ſhall be regulated by the legiſlature of this ſtate, or of the United States; and provided alſo, that whenſoever at any time after the expiration of the ſaid thirty years from the completion of the ſaid bridge, it ſhall ſeem expedient to the legiſlature of this ſtate to make the ſaid bridge, and tolls ſo eſtabliſhed, the property of the ſtate, by a law to be enacted for that purpoſe, three commiſſioners ſhall be appointed by the legiſlature on the part of the ſtate, and three by the corporation aforeſaid, who, or any four or more of them, ſhall examine their accounts, and eſtimate what ſum of money the ſaid corporation have expended in building and repairing ſaid bridge, and received from the tolls thereof, and the ſum, if any, neceſſary to be added to their receipts to reimburſe the ſaid corporation the ſums by them expended as aforeſaid, with an intereſt of fifteen *per cent.* thereon *per annum*, which ſaid ſum being paid to the ſaid corporation, then the ſaid bridge and tolls ſhall immediately thereon be the property of the ſtate.

Proprietor may transfer, &c.

VII. AND BE IT ENACTED, That it ſhall and may be lawful for every proprietor to transfer his or her ſhare or ſhares by deed executed before two witneſſes, who ſhall prove the execution thereof before ſome judge or juſtice, and regiſtered in the ſaid company's books, and not otherwiſe, except by deviſe, which deviſe, or an atteſted copy thereof, ſhall alſo be exhibited to the directors, and regiſtered in the company's books, before the deviſee or deviſees ſhall be entitled to draw any part of the profits from the ſaid tolls; provided, that no transfer ſhall be made except for one or more whole ſhare or ſhares.

Adminiſtrator may hold, &c.

VIII. AND BE IT ENACTED, That in caſe any perſon holding any ſhare or ſhares in the ſaid corporation funds ſhall die inteſtate, the adminiſtrator or adminiſtrators of ſuch inteſtate, or the ſurvivor or ſurvivors of them, ſhall hold the ſame intereſt in the ſaid funds, and be entitled to all the benefits thereof which the ſaid inteſtate, in his life-time, ſhall have had or held therein, and ſhall be and are hereby authoriſed and empowered to transfer the ſame, or make ſale thereof, in his or their own name or names, and to be applied to ſuch uſes as the orphans court of the county where ſuch perſon or perſons ſhall obtain letters of adminiſtration on the ſaid eſtate ſhall from time to time order and direct, according to the laws of the land.

Bridge to be kept in repair, &c.

IX. AND BE IT ENACTED, That it ſhall be the duty of the ſaid company to keep the ſaid bridge, when built, in good and conſtant repair, and to keep a ſufficient number of hands at all times ready for the purpoſe of raiſing the ſaid draw, in order to admit veſſels to paſs without delay through the ſaid bridge, for which no price or reward ſhall be demanded by the ſaid company, or their agents, and in caſe of any neglect, the directors for the time being may be indicted, and fined therefor as for a public nuiſance, in Prince-George's county court, and the ſaid court ſhall give it in charge to the grand jury of ſaid county, to inquire into the breaches of this act; and the ſaid company ſhall alſo

ſo for every ſuch neglect to keep the ſame in good repair, forfeit a ſum not exceeding fifty dollars, be recovered in Prince-George's county court aforeſaid by action of debt, the one half to the uſe the informer, the reſidue to be applied to the uſe of the ſtate of Maryland. CHAP. LXII.

X. PROVIDED ALWAYS, That nothing in this act contained ſhall be conſtrued or taken in any manner to interfere with the juriſdiction which congreſs may hereafter aſſume in the territory of olumbia. Proviſo.

CHAP. LXIII.

An ACT for making an addition to the town of Havre-de-Grace, and to improve the navigation of the river Suſquehanna, and for other purpoſes. Lib. JG. No. 2. fol. 363.

Paſſed 24th of Dec. 1795.

WHEREAS it has been repreſented to this general aſſembly, by the memorial of James Wilſon, Samuel Hughes, Gabriel Chriſtie, Mark Pringle, Gideon Deniſon, John Hall and John Lee ibſon, in behalf of themſelves, and others, that at a meeting of a number of gentlemen from the unties of Cumberland, Lancaſter, York, Dauphin, Mifflin, Huntingdon and Northumberland, in e ſtate of Pennſylvania, and from the counties of Cæcil and Harford in Maryland, held at Harburgh, on the twelfth day of Auguſt laſt, reſolutions were entered into for the purpoſe of removing e obſtructions and improving the navigation of the bed of the river Suſquehanna, and that exerons to effect the purport of ſaid reſolutions are now making, and that it will be greatly forwarded d promoted by a lottery, ſanctioned by the legiſlature, for raiſing the ſum of fifty thouſand dollars, refore praying that a lottery for raiſing the above ſum, for the above purpoſe, may be allowed: d whereas it is further repreſented by the ſaid memorialiſts, that they are poſſeſſed of parts of o tracts of land, called Convenience and Brother's Lot, adjoining the ſaid town of Havre-de-race, which they are deſirous of laying out into lots, and annexing the ſame to the ſaid town; d the general aſſembly, conſidering that the objects embraced by the ſaid memorial are right, reanable, and of great public utility, therefore, Preamble.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the commiſſioners of the town of avre-de-Grace, in Harford county, or the major part of them, be authoriſed and required, at any me before the firſt day of June next, to cauſe the aforeſaid two tracts or parcels of land to be ſurveyed and laid out into lots, ſtreets, lanes and alleys, at the coſt and expence of the ſaid James Wilſon, Samuel Hughes, Gabriel Chriſtie, Mark Pringle, Gideon Deniſon, John Hall and John Lee ibſon, in ſuch manner as to the ſaid commiſſioners, or a major part of them, ſhall ſeem conven nt d proper. Land to be ſurveyed, &c.

III. AND BE IT ENACTED, That the commiſſioners aforeſaid, or a major part of them, ſhall, on before the ſaid firſt day of June next, cauſe a correct and accurate ſurvey and plot to be made of e ſaid land, and of all the lots, ſtreets, lanes and alleys, which ſhall be laid out in virtue of this t, and the ſaid plot ſhall be recorded among the records of ſaid county as ſoon as conveniently may e thereafter, there to remain as evidence of the boundaries, ſituation and location, of the ſaid lots, d of the ſaid ſtreets, lanes and alleys, which ſaid ſtreets, lanes and alleys, hereafter to be laid out purſuance of this act, ſhall be highways, and ſhall be ſo deemed and taken to all intents and purpoſes whatſoever; and when the ſame ſhall be done, the ſaid land, ſo ſurveyed and laid out, ſhall e, and is hereby declared to be, part of the town of Havre-de-Grace, as fully and amply as if included originally therein, and ſhall have the ſame immunities and privileges as the reſt of the ſaid own now has, or by former laws ought to have, ſaving to the ſtate of Maryland, and all bodies olitic and corporate, and all perſons not mentioned in this act, their ſeveral and reſpective rights. And a plot to be made, &c.

IV. AND BE IT ENACTED, That the aforeſaid James Wilſon, Samuel Hughes, Gabriel Chriſtie, ideon Deniſon, John Hall and John Lee Gibſon, or a majority of them, be and they are hereby uthoriſed and required, to propoſe and carry into effect any ſcheme of a lottery, for the purpoſe of iſing a ſum of money not exceeding fifty thouſand dollars, and to diſpoſe of the tickets in ſuch ttery, and to make all neceſſary arrangements and regulations reſpecting the manner and time of awing and completing the ſame; provided, that before the ſale ſhall be made of any ticket in virtue this authority, the ſaid James Wilſon, Samuel Hughes, Gabriel Chriſtie, Gideon Deniſon, John all and John Lee Gibſon, or ſuch majority of them as ſhall undertake to act, ſhall give bond to e ſtate, with good and ſufficient ſecurity, to be approved of by the chief juſtice, or one of the ſociate juſtices, of Harford county court, in the penalty of forty thouſand pounds current money, Any ſcheme may be propoſed, &c.

CHAP. LXIII.

for the faithful payment in the first place of all expences incurred in conducting the said lottery, and the payment of all the fortunate adventurers therein, and for the faithful payment and application of all monies by them or any of them received in the execution of the authority above communicated, to such objects and purposes as by this act are prescribed, which bond shall be lodged in the general court, and there recorded, and upon such bond, or an office copy thereof, suit or suits may be instituted against the obligors therein, or any of them, or their or any of their legal representatives, for any breach of or non-compliance with the condition of the same.

Product to be paid to E. Blaine, &c.

V. AND BE IT ENACTED, That the product and produce of the said lottery, after first paying the expences of drawing the same, and the fortunate adventurers, shall be paid, within four months after the drawing of the said lottery, into the hands of Ephraim Blaine, Robert Whitehill and John Bratton, of Pennsylvania, and George Gale and Samuel Hughes, of the state of Maryland, who shall give bond to the state of Maryland, in the penalty of forty thousand pounds current money, before they shall receive the same, before the chief judge, or one of the associate justices, of Harford county, whose duty it shall be to lodge the said bond in the office of the general court of the western shore, to be there recorded and safely kept, and which bond shall be conditioned to be void if the said Ephraim Blaine, Robert Whitehill, John Bratton, George Gale and Samuel Hughes, or a majority of them, shall faithfully apply the said money towards the opening the navigation of the bed of the said river, in such manner as they shall think most expedient, and that no part thereof shall be applied to the opening or improving the canal of the proprietors of the Susquehanna canal.

CHAP. LXIV.

Passed 24th of Dec. 1795.

An ACT to ascertain the allowance of the members of the general assembly. Lib. JG. No. 2. fol. 365.

CHAP. LXV.

Passed 23d of Dec. 1795.

An ACT for the benefit of David and Margaret Forman. Lib. JG. No. 2. fol. 365. A Private Act.

CHAP. LXVI.

Passed 24th of Dec. 1795.

* 1723, ch. 19.

An additional supplement to the act, * entitled, An act for the encouragement of learning, and erecting schools in the several counties within this province. Lib. JG. No. 2. fol. 366.

Preamble.

WHEREAS the lands belonging to the free-school of Anne-Arundel county are lying waste and unemployed: And whereas for want of the funds formerly appropriated to the benefit of the said school, the visitors thereof have, for many years, been unable to employ a master to carry on the said school, according to the liberal intention of its founders: And whereas all of the visitors except one, who were appointed in pursuance of the law by which the said school was established, are now dead: And whereas doubts are entertained whether the surviving visitor can elect others who can be qualified agreeably to the provisions of the original act;

Visitors appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Richard Harwood, William Hall the third, Jonathan Sellman, Brice John Worthington, Henry Hall, Leonard Sellman and Richard Hall, shall be and they are hereby appointed visitors of the said school, and as such are hereby constituted a body politic, in the same manner, upon the same terms, and with all and every the rights, privileges, powers and immunities whatsoever, that were vested in the visitors of the said school by the original act, and the supplement thereto.

Who shall take an oath, &c.

III. AND BE IT ENACTED, That no person shall act as visitor of the said school, before he shall take the oath of fidelity and support to this state, required by the constitution or by the laws of this state, and the following oath, to wit: "I, A. B. do swear, that I will duly and faithfully discharge "the duties and trusts committed to me as a visitor of Anne-Arundel county school, according to "the best of my knowledge; so help me GOD."

Rent out the lands, &c.

IV. AND BE IT ENACTED, That the visitors of the said school, or a major part of them, shall have full power and authority either to rent out to the best advantage, for such term of years as they or a majority of them may think proper, the lands belonging to the said school, for the purpose of raising a fund to enable the visitors thereof to employ a master to carry on the said school, or to employ a master who will, for the use and occupation of the said lands, undertake to teach in the said school upon the same terms and conditions as are required by the original act, and the supplement thereto.

V. AND

V. AND BE IT ENACTED, That if the ſaid viſitors, or a majority of them, ſhall think it moſt to he advantage of the ſaid ſchool to rent out the lands belonging thereto, that then and in that caſe he money ariſing therefrom ſhall be annually paid to the ſaid viſitors, and ſhall be by them, for the enefit of the ſaid ſchool, annually veſted in ſtock of the United States bearing an immediate intereſt ſix *per centum*, and that the intereſt ariſing from the ſaid ſtock ſhall be by the ſaid viſitors convert- into a principal of the ſaid ſtock, until the expiration of the time for which the ſaid lands ſhall rented, at which time the ſaid viſitors, or a majority of them, ſhall employ a maſter to teach in he ſaid ſchool upon the ſame terms and conditions as are required by the original act, and the ſup- ement thereto. CHAP. LXVI. And veſt the money in ſtock, &c.

VI. AND BE IT ENACTED, That if the ſaid lands ſhall be farmed out by the ſaid viſitors, it ſhall t be lawful for any tenant or tenants to cut down any wood on the ſaid lands more than what ſhall abſolutely neceſſary for firewood, and the repairing of the houſes and fencing thereon. Tenants not to cut down wood, &c.

VII. AND BE IT ENACTED, That the ſaid viſitors, and their ſucceſſors for ever, in conducting d managing the ſaid ſchool, ſhall have and obſerve all the rights, privileges, powers, immunities d duties whatſoever, granted and impoſed by the original act, and the ſupplement thereto, ſave ly ſuch as are annulled by the force and operation of this act. Viſitors to have certain rights, &c.

CHAP. LXVII.

An ACT to repeal the act of aſſembly therein mentioned. Lib. JG. No. 2. fol. 367.

Paſſed 24th of Dec. 1795.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the act of aſſembly, entitled, An act to compel the attendance of the members of the general aſſembly, paſſed at a ſeſſion of aſſembly d at the city of Annapolis on the third day of November, in the year of our Lord ſeventeen hun- ed and ninety-four, * be and the ſame is hereby repealed. An act repealed.

* Chapter 11.

CHAP. LXVIII.

An ACT for the relief of Eleanor Davidſon, and the children of John Davidſon. Lib. JG. No. 2. fol. 368. A Private Act.

CHAP. LXIX.

An ACT to revive and aid the proceedings of the orphans court of Harford county. Lib. JG. No. 2. fol. 368.

CHAP. LXX.

An ACT to aſcertain the ſalary of the judge of the land-office for the eaſtern ſhore. Lib. JG. No. 2. fol. 369.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the judge of the land-office for the eaſtern ſhore, to be appointed by the governor and council in purſuance of the act, * entitled, n act reſpecting certificates of ſurveys made on the eaſtern ſhore, ſhall be and he is hereby entitled receive the ſum of one hundred and fifty pounds current money *per annum*, during his continuance office, to be paid by the treaſurer of the eaſtern ſhore in quarterly payments out of any unappro- iated monies remaining in ſaid treaſury. Judge's ſalary.

* Chapter 61.

CHAP. LXXI.

A Further additional ſupplement to an act * to regulate the inſpection of tobacco, and to continue certain parts of the ſaid act, and the ſupplementary acts thereto. Lib. JG. No. 2. fol. 369.

* 1789, ch. 26.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That any three or more of the juſtices of the peace of the ſeveral counties in this ſtate, except Waſhington, Frederick, Cæcil, Caroline, arford and Allegany, be and they are hereby authoriſed and required, annually, at the time and ace of nominating inſpectors, agreeably to the directions of the act to regulate the inſpection of bacco, and the ſupplementary acts thereto, to determine at what place or places on navigable water their reſpective counties warehouſes ſhall be kept for the reception and inſpection of tobacco, greeably to the ſaid acts, and the number of inſpectors proper at each place, and they ſhall enter e places, and number of inſpectors at each place, in a book to be provided and kept for that pur- oſe only; and in caſe the ſaid juſtices ſhould think proper to diſcontinue any warehouſe in their re- ſpective Juſtices to determine where warehouſes are to be kept, &c.

CHAP. LXXI.

ſpective counties, which has been heretofore or may hereafter be eſtabliſhed for the reception of tobacco, it may be lawful for them to continue the former inſpector, or appoint ſome other perſon, for the delivery of the tobacco remaining in ſuch warehouſe ſo by them diſcontinued, and may cauſe the ſaid tobacco to be removed to the moſt convenient warehouſe, and put under the care of the inſpector or inſpectors of ſaid warehouſe, whoſe duty it ſhall be to paſs receipts for and deliver the ſame agreeably to the directions of the acts to which this is a ſupplement.

And ſell any warehouſes diſcontinued, &c.

II. AND BE IT ENACTED, That when any warehouſe belonging to the county has been or may be diſcontinued, the juſtices of the county, or a majority of them, ſhall proceed, and they are hereby empowered to ſell the ſame, together with the ſcales, weights, and other the implements thereunto belonging, upon ſuch terms as they may think proper, and apply the money ariſing therefrom to the uſe of their county; and if it ſhould ſo happen that the boundaries of the public ground on which the houſe or houſes may ſtand cannot be aſcertained by the juſtices, they, or a majority of them, may petition the county court for a commiſſion to prove and perpetuate the ſame, in the proſecution of which the ſame proceeding ſhall be obſerved as is directed by law to be obſerved by individuals in ſimilar caſes.

Inſpectors to give receipts, &c.

III. AND BE IT ENACTED, That the ſeveral inſpectors appointed in virtue of this act are hereby required, that when tobacco in hogſheads ſhall be brought to him or them for inſpection which ſhall not be clear of traſh, but ſhall be in good order and merchantable only, to give a receipt therefor, expreſſing the number, groſs, tare and net weight of the ſame, and that the tobacco is of the ſecond quality, and ſhall alſo mark the No. groſs, tare and net weight thereof on the head and bulge of the hogſhead, and the ſaid receipt ſhall be obligatory on the ſaid inſpector or inſpectors for a delivery of the ſaid tobacco, in the ſame manner and conditions as any note iſſued by him or them in virtue of the ſeveral acts aforeſaid.

Which ſhall not be a tender, &c.

IV. AND BE IT ENACTED, That the ſaid receipts ſhall not be a tender for the payment of any tobacco contract, unleſs the ſaid contract ſhall have been for tobacco of the ſecond quality, any thing in the ſaid acts to the contrary notwithſtanding.

Sum to be paid, &c.

V. AND BE IT ENACTED, That for every hogſhead of tobacco inſpected after the paſſage of this act, there ſhall be paid to the inſpector or inſpectors delivering the ſame the ſum of five ſhillings and ſix-pence (a) current money, in order to defray the inſpectors ſalaries and the warehouſe rent; and for every hogſhead of tobacco inſpected as aforeſaid, the juſtices of the levy courts, or any three or more of them, ſhall allow the proprietor of the warehouſe a ſum not exceeding three ſhillings current money, nor leſs than one ſhilling and ſix-pence; provided always, that no more than four ſhillings per hogſhead ſhall be paid for each hogſhead of tobacco inſpected in Prince-George's county.

(a) By 1799, ch. 87, the ſum of ſeven ſhillings and ſix-pence is to be paid at Elk-Ridge, in Anne-Arundel county, Emmerſon's warehouſe, in Talbot county, and at the ſeveral warehouſes in Charles and Saint-Mary's counties, and at a warehouſe therein mentioned to be erected in Baltimore.

Parts of ſeveral acts continued, &c.

VI. AND BE IT ENACTED, That an act to regulate the inſpection of tobacco, paſſed at November ſeſſion, ſeventeen hundred and eighty-nine, (b) and the ſeveral ſupplementary acts thereto, paſſed November ſeſſion, ſeventeen hundred and ninety, (c) are hereby continued until the twentieth day of October next, and until the end of the next ſeſſion of aſſembly which ſhall happen thereafter, except ſuch parts thereof as are inconſiſtent or contrary to the proviſions of this act, alſo ſo much of the ſaid acts as prevent perſons from carrying out of the counties where it was made, either by land or water, any tobacco, until it has been inſpected at ſome public warehouſe in the ſaid county, unleſs he ſhall chooſe to carry it to ſome one public warehouſe at the next adjacent county, (d) and except alſo ſuch part of the fourteenth ſection of the act (e) to regulate the inſpection of tobacco as directs the inſpector to take an oath, or affirmation, that he will not receive any tobacco which is mixed with traſh tobacco, which ſaid excepted parts are hereby repealed.

(b) Chapter 26. (c) 1790, ch. 55, 57 and 64. (d) Viz. the third ſection of 1790, ch. 55. (e) 1789, ch. 26.

Part of an act repealed, &c.

VII. AND BE IT ENACTED, That ſo much of an additional ſupplementary act to an act, entitled, An act to regulate the inſpection of tobacco, paſſed in the year one thouſand ſeven hundred and ninety-one, * as relates to the adjournment of the levy court of Montgomery county, is hereby repealed; and the inſpectors of tobacco in Montgomery county ſhall hereafter ſettle their accounts with the levy court of ſaid county on the fourth Monday in December annually, for which purpoſe the ſaid court ſhall adjourn to the ſaid fourth Monday in December in each year.

* Chapter 61.

CHAP.

CHAP. LXXII.

An ACT authoriſing a lottery in Havre-de-Grace, for the purpoſe therein mentioned. Lib. JG. No. 2. fol. 371.

Paſſed 24th of Dec. 1795.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the building and erecting two public wharfs in the town of Havre-de-Grace, will tend very much to the accommodation of boats ming down the Suſquehanna; therefore,

Any ſcheme may be propoſed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for the mmiſſioners of Havre-de-Grace, or a majority of them, to propoſe any ſcheme or ſchemes of a ttery for raiſing the ſum of five thouſand dollars, and to ſell and diſpoſe of the tickets therein; ovided the ſaid commiſſioners, or a majority of them, ſhall, before the ſale or diſpoſal of any ket or tickets in ſaid lottery, give bond to the ſtate of Maryland, in the penalty of twelve thouand dollars, conditioned, that they will well and truly apply the monies ariſing therefrom, within o months after the drawing thereof, to the payment of the prizes drawn by the fortunate adventers in ſaid lottery, and the neceſſary expences incurred in the management thereof, and the reſie to the building and erecting the ſaid public wharfs, the building and erecting of which the ſaid mmiſſioners, and their ſucceſſors, are hereby authoriſed to direct and ſuperintend.

Bond to be lodged, &c.

III. AND BE IT ENACTED, That the ſaid bond ſhall be lodged in the clerk's office of Harford nty, to be there recorded, and upon ſuch bond, or an office copy thereof, ſuit or ſuits may be ituted againſt the obligors therein, or any of them, or their or any of their legal repreſentatives, any breach or non-compliance with the condition of the ſame.

CHAP. LXXIII.

An ACT to alter the mode of electing electors to chooſe the preſident and vice-preſident of the United States. Lib. JG. No. 2. fol. 372.

State divided into diſtricts, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That for the purpoſe of appointing electors hereafter on the part of this ſtate for chooſing a preſident and vice-preſident of the United tes, this ſtate ſhall be and is hereby divided into ten diſtricts, which ſhall be numbered from numr one to number ten, as follows, to wit: Saint-Mary's, Charles and Calvert counties, ſhall comſe the firſt diſtrict; Prince-George's and Montgomery the ſecond; Frederick the third; Waſhingn and Allegany the fourth; Anne-Arundel, including the city of Annapolis, and Baltimore-town, fifth; Baltimore county, (excluding the town,) and Harford county, the ſixth; Cæcil and Kent ſeventh; Queen-Anne's and Talbot the eighth; Caroline and Dorcheſter the ninth; and Somerand Worceſter the tenth diſtrict.

Each diſtrict to elect one perſon, &c.

II. AND BE IT ENACTED, That each of the ſaid diſtricts ſhall elect and appoint one perſon, being eſident of the ſaid diſtrict, as an elector for chooſing a preſident and vice-preſident of the United tes, and that the elections of electors, for the purpoſe of chooſing the preſident and vice-preſident the United States, ſhall be made by the citizens of this ſtate qualified to vote for members of the uſe of delegates of this ſtate, at ſuch places in the ſeveral counties in this ſtate, and in the town Baltimore and city of Annapolis, as are appointed for holding the election for delegates in the giſlature of this ſtate.

See the alteration of the conſtitution by 1798, ch. 115, confirmed by 1799, ch. 48. See alſo 1799, ch. 50.

When the election is to be held.

III. AND BE IT ENACTED, That ſuch election of electors aforeſaid ſhall be made on the ſecond ednesday (a) in November next, and on the ſecond Wedneſday in November in every fourth year ereafter, and at ſuch other times as the governor and council ſhall direct, in caſe the office of eſident and vice-preſident ſhall become vacant.

(a) By 1799, ch. 50, ſection 8, the elections of electors aforeſaid ſhall be made on the ſecond Monday in November, 1800, and on the ſecond Monday in November in every fourth year thereafter.

Who are to be the judges.

IV. AND BE IT ENACTED, That the perſons authoriſed and appointed judges by the laws and nſtitution of this ſtate, for holding the elections for repreſentatives in the legiſlature thereof, ſhall the judges of the reſpective elections to be made in virtue of this act.

How elections are to be made, &c.

V. AND BE IT ENACTED, That the ſaid elections ſhall be made *viva voce*, and that after the polls the ſeveral counties, and the city of Annapolis and Baltimore-town, ſhall be cloſed, and the votes ſt up by the judges, the names of the ſeveral perſons voted for in the ſeveral counties, and city of

Annapolis

CHAP. LXXIII.

Annapolis and Baltimore-town, ſhall be written on parchment, or paper, and the number of votes for each candidate in the ſeveral counties, the city of Annapolis and Baltimore-town, enumerated and ſet down, which number ſhall be written in words at length, and not in figures, and the polls, and other papers relating to the elections, ſhall be ſealed up, and depoſited with the clerks of the ſeveral county courts of the county in which the ſaid reſpective elections ſhall be ſo held, and on ſuch names and numbers being ſo ſet down and written, the judges of the ſeveral elections in the city of Annapolis, Baltimore-town, and each and every county of the ſtate, when aſſembled at the uſual place for holding elections, ſhall reſpectively, within the ſpace of three days after the ſaid elections, ſign and ſeal the papers or inſtruments on which the ſame are ſo written, and ſhall make out, ſign, ſeal and execute, duplicate returns thereof, one whereof ſhall be delivered to the clerk of the county in which the ſaid reſpective elections ſhall be ſo held, to be kept ſafely, and the other copy ſhall be ſealed up and delivered to the ſheriff of the county in which the ſaid reſpective elections ſhall be ſo held, to be by him delivered, or ſafely tranſmitted, within ten days after each reſpective election, (under the penalty of fifty pounds current money,) to the governor and council, for their inſpection and examination; and the governor and council, after having received the returns, papers and inſtruments aforeſaid, ſhall enumerate and aſcertain the number of votes for each and every candidate and perſon ſo as aforeſaid polled and voted for as an elector reſpectively, and ſhall thereupon declare, by proclamation ſigned by the governor, and without delay diſperſed through the ſtate, the name of the perſon duly elected as elector in each reſpective diſtrict.

See the note under ſection 2.

Electors to aſſemble, &c.

VI. AND BE IT ENACTED, That the electors, ſo as aforeſaid to be choſen, ſhall aſſemble on ſuch day as the congreſs of the United States have or ſhall hereafter from time to time determine and appoint, at the city of Annapolis, and ſhall then and there perform the duties enjoined upon them by the conſtitution of the United States, agreeably to the directions thereof.

Governor, &c. to determine by lot, &c.

VII. AND, whereas it may happen, that in the election of the ſaid electors two or more of the ſaid candidates may have an equal number of votes, BE IT ENACTED, That in ſuch caſe the governor and council ſhall determine, by lot, from the candidates who ſhall have an equal number of votes as aforeſaid, who ſhall be the elector for the ſaid reſpective diſtricts.

Acts, &c. repealed.

VIII. AND BE IT ENACTED, That all acts, or parts of any former acts of this ſtate, repugnant to or inconſiſtent with the proviſions hereof, ſhall be and the ſame are hereby declared to be repealed.

CHAP. LXXIV.

Paſſed 24th of Dec. 1795.

An ACT for the more ſpeedy and effectual recovery of fines, penalties and forfeitures. Lib. JG. No. 2. fol. 374.

Preamble.

WHEREAS doubts are entertained whether, under the exiſting laws of this ſtate, a writ of *capias ad ſatisfaciendum* can be iſſued for the recovery of any fine, penalty or forfeiture; for remedy whereof,

Attorney-general, &c. may order writs, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for the attorney-general of this ſtate, or either of his deputies, *ex officio*, and they are hereby directed and required on the application of the ſheriffs of the reſpective counties in this ſtate, to order a writ or writs of *capias ad ſatisfaciendum* to be iſſued for the recovery of all fines, penalties and forfeitures which have or hereafter may be impoſed by any court of record in this ſtate, together with the coſts accruing thereon.

Fines, &c. to be paid to the ſheriffs, &c.

III. AND BE IT ENACTED, That all fines, forfeitures and penalties, together with coſts due on the ſame, ſhall hereafter be paid to the ſeveral and reſpective ſheriffs to whom any ſuch writ of *capias ad ſatisfaciendum* ſhall be directed, who ſhall, on or before the tenth day of November annually hereafter, pay over to the treaſurer of the weſtern or eaſtern ſhore on which they ſhall reſpectively reſide all ſuch ſums of money, except the coſts, as they ſhall have reſpectively received on account of the ſame.

Who are to return the writs, &c.

IV. AND BE IT ENACTED, That it ſhall be the duty of the ſeveral and reſpective ſheriffs to whom ſuch writs of *capias ad ſatisfaciendum* ſhall be directed, to return the ſame to the courts to which they ſhall be made returnable, at the term next ſucceeding the iſſuing of the ſame; and whenever the ſheriff to whom ſuch writ or writs ſhall be directed, ſhall make return that he has taken the body or bodies of the perſon or perſons againſt whom ſuch writ or writs ſhall have iſſued, ſuch ſheriff ſhall be obliged

iged, either to acknowledge in open court the receipt of the full amount of such fines, forfeitures penalties, with the costs due thereon, for the recovery of which such writ or writs shall have ed, or to produce the body of every such person who shall have been so taken by him to the court which the said writ shall be returned, and in default thereof, the said court, upon motion of the rney-general, or of his deputy, shall order judgment to be entered up against such defaulting she- for the amount of the same and costs. CHAP. LXXIV.

. AND BE IT ENACTED, That the clerk of the several counties in this state shall, on or before tenth day of November annually hereafter, transmit to the treasurer of the western shore a list ll such executions as may be issued under the authority of this act, and of the several sums of ey which the sheriffs of their respective counties shall have acknowledged to have been received hem respectively for fines, penalties and forfeitures. Clerk to transmit a list, &c.

I. AND BE IT ENACTED, That the several sheriffs aforesaid shall and they are hereby directed to over the costs arising from the said executions to such persons as are entitled to and ought to re- e the same. Costs to be paid over, &c.

II. AND BE IT ENACTED, That the respective sheriffs of this state shall be answerable for all , penalties and forfeitures, imposed on the inhabitants of their respective counties by the judge- t of any court within this state, where no writ of execution shall issue for recovery of such fine, lty or forfeiture, unless the said sheriffs shall respectively make it appear, to the satisfaction of reasurer, that the party on whom such fine, penalty or forfeiture, was imposed, was insolvent nable to pay the same. Sheriffs to be answerable, &c.

CHAP. LXXV.

ACT respecting certain lands lying within this state claimed by Edmund Jenings, Esquire, of e city of London. Lib. JG. No. 2. fol. 375. A Private Act. Passed 24th of Dec. 1795.

CHAP. LXXVI.

ACT respecting a tract of land lying within this state claimed by Thomas Digges, Esquire, of e kingdom of Great-Britain. Lib. JG. No. 2. fol. 376. A Private Act.

CHAP. LXXVII.

Supplement to the act, * entitled, An act to establish a bank in the district of Columbia. Lib. JG. No. 2. fol. 378.

* 1793, ch. 30.

WHEREAS the bank of Columbia consists of ten thousand shares of one hundred dollars each, and forty dollars on each share hath been actually paid, and the residue is liable to be called n payments of ten dollars every year until the whole shall be completed: And whereas it is re- nted, by the memorial of the president and directors of said bank, that foreigners, and others, revented from purchasing stock in said bank, because a failure in making regular annual payments, rescribed by the incorporating act, occasions a forfeiture of all precedent payments, and may tually prove injurious and oppressive to many of the stockholders, and that the said stockholders desirous of obtaining an act of the legislature, to enable such of them as are desirous of paying e whole of their subscriptions may be authorised to do so, and that those who do not make any er payments shall not incur the forfeiture of their shares, as prescribed by their charter of in- oration; Preamble.

. BE IT ENACTED, *by the General Assembly of Maryland*, That all and every stockholder in the of Columbia shall and may, at any and at all times hereafter, pay up the several instalments re- ing due on his, her or their share or shares, or any part thereof which he, she or they may think er, and shall thereupon be entitled to receive the annual interest or dividends on the amount of sum or sums so paid in, in the same manner he, she or they is or are now entitled to receive the lends on the original stock already paid up; provided always, that the interest or dividends on sum or sums so paid in shall not commence until the first day of the month next ensuing such nents; and provided also, that the aggregate amount of voluntary payments so made to the shall in no one year exceed the sum of one hundred thousand dollars. Stockholders may pay up, &c.

I. AND BE IT ENACTED, That no forfeiture shall hereafter be incurred by any stockholder for payment of any of the remaining instalments due on his, her or their share or shares, but he, r they shall be entitled to receive the interest and dividends due, and which may arise due, on the nt of the sum or sums actually paid in by him, her or them, on any such share or shares. No forfeiture to be incurred, &c.

CHAP. LXXVII. Shares sold may be paid up, &c.

IV. AND BE IT ENACTED, That if any original ſhare or ſhares in the ſaid bank have been ſold or transferred, under any contract or engagement that the party ſo ſelling or transferring, or having ſold or transferred the ſame, is to complete and pay up the reſidue of the inſtalments due on ſuch ſhare or ſhares, then and in ſuch caſe nothing in this act contained ſhall be conſtrued to prevent the ſame being paid up at the times, under the circumſtances, and in the manner, preſcribed by the original act to which this is a ſupplement.

Not to have force until conſented to, &c.

V. AND, whereas it is repreſented to this general aſſembly, that it is the declared deſire of the ſaid ſtockholders to obtain the benefit of the proviſions of this act, although they have not ſignified the ſame in their corporate capacity: And whereas this general aſſembly cannot conſiſtently paſs the ſame unleſs with the approbation of the ſaid body corporate, and although a previous application thereof by them hath not been made, yet, from a conſideration of the ſpecial circumſtances of this caſe, it appears expedient to grant the prayer of the petition of the ſaid preſident and directors, ſubject to the conditions hereafter expreſſed; therefore, BE IT ENACTED, That nothing herein contained ſhall have any force, validity and operation, nor to take effect, until the conſent thereto of the ſtockholders in the ſaid bank ſhall be given, at a general meeting of the ſaid corporation, and tranſmitted, (a) under their corporate ſeal, to the governor and council, to be lodged among their proceedings.

(a) This has been done.

CHAP. LXXVIII.

Paſſed 24th of Dec. 1795.

An ACT to relinquiſh the right of this ſtate to the lands therein mentioned. Lib. JG. No. 2. fol. 379. A Private Act.

CHAP. LXXIX.

An ACT to authoriſe and empower the levy court of Montgomery county to aſſeſs and levy annually a ſum of money for the purpoſes therein mentioned. Lib. JG. No. 2. fol. 380.

Preamble.

WHEREAS Mary Higdon, of Montgomery county, by her petition to this general aſſembly hath ſet forth, that her huſband died early laſt ſpring, leaving her, about ſeventy years of age, very infirm and poor, with the additional misfortune of an idiot daughter, aged about twenty four years, and her advanced age renders it impoſſible to procure the common neceſſaries of life for herſelf and daughter, and prays an act may paſs to provide for the ſupport of herſelf and unfortunate daughter; and the facts ſtated in ſaid petition appearing true,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the peace for Montgomery county ſhall be and they are hereby directed and empowered, at their levy courts annually ſo long as they ſhall ſee cauſe, to aſſeſs and levy on ſaid county a ſum of money, not exceeding twenty pounds current money, for the ſupport and maintenance of the aforeſaid Mary Higdon and her unfortunate daughter, and that the ſame be collected and paid annually, by the collector of Montgomery county, to ſuch perſon as the levy court of ſaid county ſhall or may direct.

CHAP. LXXX.

An ACT to erect a new bridge over Great Choptank river, in Caroline county. Lib. JG. No. 2. fol. 380.

Preamble.

WHEREAS it appears to this general aſſembly, by the petition of ſundry inhabitants of Caroline county, that the old bridge over Great Choptank river, at the village of Greenſborough in ſaid county, is in a ruinous ſituation, and nearly impaſſable, and they have prayed that a new one may be built at or near the place where the old one ſtands; therefore,

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Thomas Hughlett, Peter Herrington and David Whiting, be and they are hereby appointed commiſſioners for the purpoſe of building and completing the new bridge aforeſaid, at or near the place where the old one now ſtands; and the ſaid commiſſioners, or a majority of them, are, by this act, empowered to agree and contract with any perſon or perſons, upon the beſt and cheapeſt terms they can, to finiſh and complete the ſaid new bridge.

Juſtices to levy money, &c.

III. AND BE IT ENACTED, That the juſtices of the peace of Caroline county be and they are hereby authoriſed and directed, at their next levy court, to aſſeſs and levy on the aſſeſſable property in ſaid county the ſum of one hundred and ſeventy-five pounds current money, together with the uſual

nal commiſſion for collection, to be collected by the collector of ſaid county in the ſame manner as her county charges are collected, and when collected by the collector, to be paid to the ſaid commiſſioners, or a majority of them, or to their order; and the ſaid bridge, when completed, ſhall be pt up and repaired in the ſame manner that other public bridges in ſaid county are by law directed be kept up and repaired.

How vacancies are to be filled.

V. AND BE IT ENACTED, In caſe any vacancy ſhall happen among the ſaid commiſſioners, the maining commiſſioner or commiſſioners ſhall have power to fill up ſuch vacancy, until the ſaid dge be finiſhed.

An account to be rendered, &c.

V. AND BE IT FURTHER ENACTED, That the ſaid commiſſioners, or a majority of them, after ſaid new bridge is finiſhed, ſhall render to the juſtices of the peace of ſaid county, at their next y court, a full and fair account of the expenditures of the aforeſaid ſum of money, and if any plus of money ſhall remain in the hands of the ſaid commiſſioners, or any of them, they ſhall pay r the ſame to the juſtices of the peace, or ſome three of them, which ſhall be applied to defraying public charge of ſaid county.

CHAP. LXXXI.

n ACT further extending the time for making returns of certain certificates and plots. Lib. JG. No. 2. fol. 381.

Paſſed 24th of Dec. 1795.

Preamble.

WHEREAS it appears that ſeveral certificates and plots have not been returned to the land-office of the weſtern-ſhore within the time limitted by an act paſſed at November ſeſſion, nteen hundred and ninety-four, * entitled, An act further extending the time for making returns ertain certificates and plots, and it is right and reaſonable further to extend the ſaid time; there-

* Chapter 35.

Certain certificates to be received, &c.

I. BE IT ENACTED, *by the General Aſſembly of Maryland*, That all certificates and plots, made eeably to and in virtue of an act, * entitled, An act aſcertaining the mode of getting titles to purchaſers of certain confiſcated property, which ſhall or may be returned to the regiſter of the d-office for the weſtern ſhore on or before the firſt day of Auguſt next, ſhall be received by the miner-general, and be of the ſame validity as if they had been executed and returned agreeably he time mentioned in the firſt above recited act.

* 1785, ch. 66.

CHAP. LXXXII.

n ACT declaring the power of the governor in certain criminal caſes. Lib. JG. No. 2. fol. 382.

Governor to iſſue a warrant, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the governor for the time being ſhall have full power and authority, and he is hereby required, whenever ſentence of death is pronced againſt any criminal by the judgment of any court of this ſtate, to iſſue, under his hand, a rrant to the ſheriff of the county who by ſuch judgment ought by law to execute the ſame, to or and direct the ſaid ſheriff to execute the ſaid judgment, at ſuch time as in his warrant he ſhall point, purſuant to ſuch judgment.

May commute any ſentence, &c.

II. AND BE IT ENACTED, That the governor for the time being ſhall have full power and authori- in his diſcretion, to commute or change any ſentence or judgment of death, paſſed on any crimi- by any court of this ſtate, into other puniſhment of labour, or to baniſhment of ſuch criminal m this ſtate, upon ſuch terms and conditions, and for ſuch period, as he ſhall think expedient, and ſuch criminal be a ſlave, againſt whom any ſuch judgment or ſentence is or may be paſſed, to com- te and change the ſaid judgment into tranſportation and ſale in ſome foreign country, for the nefit of the ſtate.

And grant *nolle proſequi* on conditions, &c.

III. AND BE IT ENACTED, That the governor for the time being ſhall have full power and authori- in granting any *nolle proſequi* before ſentence or judgment, to grant the ſame on ſuch conditions, d under ſuch limitations and reſtrictions therein contained, as in his diſcretion may appear moſt viſeable to preſerve and ſecure the peace and good government of this ſtate.

CHAP. LXXXIII.

Passed 24th of Dec. 1795.

An ACT to continue the acts of assembly therein mentioned. Lib. JG. No. 2. fol. 383.

Several acts continued.

BE IT ENACTED, *by the General Assembly of Maryland*, That the following acts of assembly, to wit, An act to prevent the exportation of bread and flour not merchantable, and for other purposes, passed November session, one thousand seven hundred and eighty-one; (a) another act, entitled, An act for the speedy application of the monies appropriated for repairing the streets in Baltimore-town in Baltimore county, and for other purposes, passed April session, one thousand seven hundred and eighty two; (b) another act, entitled, An act to enable the corporation of the city of Annapolis to lay a tax on property within the said city, and the precincts, to regulate and licence ordinaries and retailers of spirituous liquors within the said city, and the precincts thereof, passed November session one thousand seven hundred and eighty-four; (c) another act, entitled, An act for the establishment and regulation of a night watch, and the erection of lamps, in Baltimore-town, in Baltimore county, passed November session, one thousand seven hundred and eighty-four; (d) another act, entitled, An act respecting the continuance of civil suits in the general and county courts, passed November session, one thousand seven hundred and eighty-seven; (e) another act, entitled, An act to remedy some evils relating to servants, passed May session, one thousand seven hundred and fifty; (f) another act, entitled, An act for the gauge of barrels for pork, beef, pitch, tar, turpentine, and tare of barrels for flour and bread, passed August session, one thousand seven hundred and forty-five; (g) another act, entitled, An act to establish a market in Frederick-town, and for the regulation of the said market, passed September session, one thousand seven hundred and seventy; (h) another act, entitled, An act to establish a third inspection of tobacco in George-town, in Montgomery county, passed November session, one thousand seven hundred and ninety; (i) another act, entitled, An act for the relief of such persons as cannot find surety for their appearance to testify as a witness against any person arrested, accused or prosecuted, for any criminal matter, passed June session, one thousand seven hundred and fifty-two; (k) another act, entitled, An act to enable the several and respective county clerks within this province to remove some of the county records and papers from the public offices, passed May session, one thousand seven hundred and forty-eight; (l) another act, entitled, An act for the more effectual punishment of negroes, and other slaves, and for taking away the benefit of clergy from certain offenders, and a supplementary act to an act, entitled, An act to prevent the tumultuous meeting and other irregularities of negroes, and other slaves, and directing the manner of trying slaves, passed May session, one thousand seven hundred and fifty-one; (m) another act, entitled, An act to make the testimony of convicted persons legal against convicted persons, passed May session, one thousand seven hundred and fifty-one; (n) another act, entitled, An act relating to guardians and orphans, passed March session, one thousand seven hundred and fifty-eight; (o) another act, entitled, An act to prevent certain evils and inconveniencies attending the sale of strong liquors and running of horse-races, near the yearly meetings of the people called Quakers, and to prevent the tumultuous concourse of negroes, and other slaves, during the said meetings, passed May session one thousand seven hundred and forty-seven; (p) another act, entitled, An act to amend and explain an act to prevent certain evils and inconveniencies attending the sale of strong liquors, and running of horse-races, near the yearly meetings of the people called Quakers, and to prevent the tumultuous concourse of negroes, and other slaves, during the said meetings, passed June session, one thousand seven hundred and fifty-two; (q) another act, entitled, An additional supplementary act to the act entitled, An act relating to servants and slaves, passed May session, one thousand seven hundred and forty-eight; (r) another act, entitled, An act to prevent the exportation of flour, staves and shingles not merchantable, from the town of Baltimore, in Baltimore county, and to regulate the weight of hay and measure of grain, salt, flax-seed and firewood, within the said town, and to prevent the exportation of flour not merchantable from Fell's Point, in the said county, passed October session one thousand seven hundred and seventy-one; (s) another act, entitled, An act for the better regulating attachments, passed June session, one thousand seven hundred and seventy-three; (t) and another act, entitled, An act to ascertain officers fees in special courts, passed May session, one thousand seven hundred and eighty-one, (v) shall be and are hereby revived and continued until the thirtieth day of January, seventeen hundred and ninety-eight.

(a) November, 1781, ch. 12. (b) April, 1782, ch. 39. (c) 1784, ch. 49. (d) 1784, ch. 69. (e) November, 1787, ch. (f) 1750, ch. 5. (g) 1745, ch. 15. (h) November, 1770, ch. 4. (i) 1790, ch. 30. (k) 1752, ch. (l) 1748, ch. 7. (m) 1751, ch. 14. (n) 1751, ch. 11. (o) 1758, ch. 4. (p) 1747, ch. 17. (q) 1752, ch. (r) 1748, ch. 19. (s) 1771, ch. 20. (t) June, 1773, ch. 13. (v) May, 1781, ch. 24.

CHAP

CHAP. LXXXIV.

An ACT for the relief of ſundry inſolvent debtors. Lib. JG. No. 2. fol. 385.

Paſſed 24th of Dec. 1795.

Preamble.

WHEREAS Samuel Turner Dyſon, of Charles county, Abraham George Hammond, Robert Ellis, Solomon Carter, Michael Wall, James E. Key, Andrew Goulding, John Goulding, atrick Goulding, Thomas Goulding, Benjamin Aldworth, Richard Bond, ſenior, George Wiley, avid Finchette Freebain, John Ruſh, Jacob B. Dimmitt, John Pickerſgill, William Johnſon and homas Hare, of Baltimore county, Jacob Hackney, John Frederick Amelung and James Labes, of rederick county, Henry Wilſon, Thomas Cox, James Oſborne, William Jones, William Oſborne, Benjamin, and Gerard Gover, of Harford county, Perry Beall, Henry Hardman, Lewis Duvall, homas Weedon and George Weimburger, of Montgomery county, Abijah Bond and Edward Lloyd ailes, of Prince-George's county, James Porter and Thomas Lea, of Queen-Anne's county, John ackin and John Savin, of Cæcil county, Eliſha Maſſay, Joſeph Briſcoe and Hyland Geers, of Kent unty, Benjamin Dorſey, Joſeph Caverly, Jacob M'Ceney and Ely Gaſſaway, of Anne-Arundel unty, Daniel Roſs, of Calvert county, and John Ward, of Caroline county, by their petitions to is general aſſembly have ſet forth, that by reaſon of many misfortunes they are unable wholly to isfy their creditors, and have prayed, that they may be diſcharged, upon their delivering up all eir property for the uſe of their creditors; and the prayer of the ſaid petitioners being found rea- nable; therefore,

Chancellor, on application, to direct notice, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That on application of either of the ſaid tors to the chancellor, by petition in writing, offering to deliver to the uſe of his or her ditors all his or her property, real, perſonal or mixed, to which he or ſhe is any way entitled, a edule whereof, (on oath, or affirmation, as the caſe may require,) together with a liſt of the creditors he perſon ſo applying, on oath or affirmation, as far as he or ſhe can aſcertain them, ſhall be annexed ſuch petition, the chancellor ſhall direct perſonal notice of ſuch application to be given to the ditors, and alſo ſo many of them as can be ſerved therewith, or their agents or attornies, or direct tice of ſuch application to be inſerted in the public news-papers for ſuch time as he ſhall think per, which, in caſe of there being a creditor or creditors beyond ſea, ſhall not be leſs than ſix nths, and on their appearance, or neglect to appear on notice, at the time or times and place ap- nted, the chancellor ſhall adminiſter to the petitioning debtor the following oath, or affirmation, the caſe may require: "I, A. B. do ſwear, or ſolemnly, ſincerely and truly declare and affirm, that I will deliver up, convey and transfer, to my creditors, in ſuch manner as the chancellor ſhall direct, all my property that I have, or claim any title to or intereſt in, at this time, and all debts, rights and claims, which I have, or am any way entitled to, in poſſeſſion, reverſion or remainder, and that I have not, directly or indirectly, at any time, ſold, conveyed, leſſened or diſpoſed of, for the uſe or benefit of any perſon or perſons, or intruſted, any part of my money, or other property, debts, rights or claims, thereby to defraud my creditors, or any of them, or to ſecure the ſame to receive or expect any profit, benefit or advantage, thereby;" and the chancel- ſhall thereupon name ſuch perſon as a majority of the creditors in value, their agents or ornies, then preſent, ſhall recommend, to be a truſtee for the benefit of the creditors of the itioning debtor, or in caſe of the non-attendance of the creditors, or of their not making a re- mmendation, the chancellor ſhall name ſuch perſon as he ſhall think proper, to be a truſtee as reſaid.

No perſon to be entitled to the benefit of this act but a citizen, &c.

III. AND BE IT ENACTED, That no perſon herein before mentioned ſhall be entitled to the bene- of any of the proviſions of this act, unleſs the chancellor ſhall be ſatisfied, by competent teſtimo- , that he is, and at the time of the paſſing of this act was, a citizen of the United States, and of is ſtate, and unleſs, at the time of preſenting his petition as aforeſaid, he ſhall produce to the ancellor the aſſent, in writing, of ſo many of his creditors as have due to them the amount of ree fourths of the debts due by him at the time of the paſſing of this act; provided, that foreign editors, not reſiding in the United States, and not having agents or attornies reſiding therein duly powered to act in their behalf, ſhall not be conſidered within the intent and meaning of this clauſe; d provided alſo, that the chancellor may, without the aſſent of the creditors as aforeſaid, from ne to time order to be diſcharged from cuſtody any of the ſaid petitioners who may be in actual nfinement in virtue of any proceſs iſſued, or that may be iſſued, in purſuance of any debt at this ne due and owing by him, which diſcharge is hereby declared to be a releaſe only of the perſon of ch debtor, but not of his property, unleſs the aſſent in writing of three fourths in value of the editors as aforeſaid be obtained.

IV. AND

CHAP. LXXXIV. Truſtee to give bond, &c.

IV. AND BE IT ENACTED, That before ſuch truſtee proceeds to act, he ſhall give bond for the faithful performance of his duty, to ſuch perſon, in truſt for the creditors of ſaid petitioning debtor, and in ſuch penalty as the chancellor ſhall direct, which ſhall be recorded in the office of the regiſter of the court of chancery, and a copy thereof, certified under the hand of the ſaid regiſter, ſhall be good evidence in any court of law or equity of this ſtate; and if any truſtee, appointed by virtue of this act, ſhall refuſe to act, or die, or neglect to give bond as aforeſaid, in a reaſonable time to be judged of by the chancellor, or be removed by the chancellor for miſbehaviour, he ſhall appoint ſuch other perſon as he ſhall think proper in his place, who ſhall give bond as aforeſaid, and on giving ſuch bond, (in caſe the ſaid debtor had conveyed his property to the former truſtee,) he ſhall immediately be veſted with all the property of every kind, and all the debts, rights and credits, of the ſaid debtor, as completely as the former truſtee was veſted with the ſame.

On executing a deed, debtor to be diſcharged, &c.

V. AND BE IT ENACTED, That upon the ſaid petitioning debtor's executing and acknowledging a deed to the truſtee to be appointed as aforeſaid, conveying all his property, real, perſonal and mixed, and all debts, rights and claims, agreeably to the oath, or affirmation, of ſuch debtor as aforeſaid, and on his delivery to the ſaid truſtee of all his ſaid property which he ſhall have in poſſeſſion, and of his books, papers, and evidences of debts of every kind, and the ſaid truſtee's certifying the ſame, in writing, to the chancellor, it ſhall be lawful for the chancellor to order that the ſaid debtor ſhall be diſcharged from all debts, covenants, contracts, promiſes and agreements, due from, or owing or contracted by, him or her, before the date of the ſaid deed, and by virtue of ſuch order the ſaid debtor ſhall be diſcharged as aforeſaid; provided, that no perſon who has been guilty of a breach of the laws, and hath been fined, or is liable to be fined, for ſuch breach, ſhall be diſcharged from the payment of any fine incurred for any breach of the laws of this ſtate; and provided, that any property which he ſhall thereafter acquire by gift, deſcent, or in his own right by bequeſt, deviſe, or in any courſe of diſtribution, ſhall be liable to the payment of the ſaid debt; and provided, that the diſcharge of ſuch debtor ſhall not operate ſo as to diſcharge any other perſon from any debt.

May retain his apparel.

VI. AND BE IT ENACTED, That the chancellor may allow ſuch petitioning debtor to retain the neceſſary wearing apparel of himſelf or herſelf, and family.

Truſtee may be directed to ſell, &c.

VII. AND BE IT ENACTED, That the chancellor may direct any truſtee to be appointed by virtue of this act to ſell and convey the property conveyed to him by the petitioning debtor, at ſuch time and on ſuch terms and conditions, as he ſhall think moſt for the advantage of the creditors, and the produce thereof, after ſatisfying all incumbrances and liens, ſhall be divided among the ſaid creditors, agreeably to their ſeveral and reſpective claims; but no judgment to be rendered after the paſſage of this act, againſt any of the ſaid debtors who ſhall take advantage of this act, ſhall be a lien on his real property, nor ſhall any proceſs againſt his real or perſonal property have any effect thereon, except writs of *fieri facias* actually and *bonâ fide* laid before the paſſing of this act.

And may ſue, &c.

VIII. AND BE IT ENACTED, That any truſtee may ſue for, in his own name, and recover, any property or debts aſſigned to him by any debtor in virtue of this act.

When fraud is alleged, debtor may be examined, &c.

IX. AND BE IT ENACTED, That if any creditor, on the application of any ſuch debtor to the chancellor, or within two years thereafter, ſhall allege, in writing, to the chancellor, or to the general court of the ſhore, or the county court of the county, where ſuch debtor ſhall reſide, that ſuch debtor hath directly or indirectly ſold, conveyed, leſſened, or otherwiſe diſpoſed of, or purchaſed, in truſt for himſelf, herſelf, or any of his or her family or relations, or any other perſon or perſons, intruſted or concealed, any part of his property of any kind, or any part of his debts, rights or claims, thereby to deceive or defraud his creditors, or any of them, or to ſecure the ſame, or to receive or expect any profit or advantage thereby, or that he or ſhe has paſſed bonds, or other evidences of debts, either without conſideration or on improper conſideration, or loſt more than one hundred pounds current money by gaming at any one time, or hath aſſigned or conveyed any of his property with intent to give a preference to any creditor or creditors, or ſecurity, within two years before the paſſage of this act, the ſaid chancellor, or court, may thereupon, at the election of the creditor making ſuch allegation, either examine the ſaid debtor, and any perſon or perſons to whom he or ſhe may have made any conveyance or conveyances of his property, or paſſed bonds or evidences of debts as aforeſaid, on interrogatories, on oath or affirmation, touching the ſubject of the ſaid allegations, or direct an iſſue or iſſues, in a ſummary way, without the form of an action, to determine the truth of the ſame; and if, upon the anſwer of the ſaid interrogatories, or the trials of the ſaid iſſue or iſſues by a jury, ſuch debtor ſhall be found guilty of any fraud or deceit of his creditors, or loſs by

y gaming as aforesaid, or of having given preference as aforesaid, he or she shall for ever be pre-luded from any benefit of this act; and in case such debtor, or other person, shall, at any time hereafter, upon any indictment, be convicted of wilfully, falsely and corruptly, swearing or affirm-g to any matter or thing to which he shall swear or affirm by virtue of this act, he or she shall suffer in case of wilful and corrupt perjury, and be for ever debarred from any benefit of this act.

Chancellor may allow a commission, &c.

X. And be it enacted, That the chancellor may allow any trustee to be appointed by virtue this act such commission for his trouble as he shall think reasonable, not exceeding eight *per cent.* d if any complaint shall be made to the chancellor of the conduct of any trustee, by any creditor terested in the distribution of any estate, the chancellor may call such trustee before him, and in-ire into the cause of complaint in a summary way, and make such rules and orders as shall be dged necessary for the speedy accomplishment of the object of the trust, and punish the said trustee, for a contempt, in case of his not obeying the same, and, if he thinks it necessary, he may remove e said trustee, and appoint another person in his place.

And order imprisoned debtors to be brought before him, &c.

XI. And be it enacted, That if any debtor, who shall petition the chancellor in virtue of this t, shall be imprisoned at the time of exhibiting such petition, it shall be lawful for the chancellor order the sheriff in whose custody he shall be, to bring him before him, at a certain time by him the said order to be appointed, for the purpose of taking the oath or affirmation herein before entioned; and the said sheriff shall obey the said order, and shall be entitled to a preference, after e discharge of all liens on the said debtor's estate, to all other creditors, in the payment of his count against the said debtor for legal fees of imprisonment, and his reasonable expences in carry-g the said debtor to the chancellor in obedience to his order as aforesaid, any thing in this act to e contrary notwithstanding; and in case such imprisoned debtor shall have any creditors beyond sea, chancellor may, in his discretion, order the sheriff to bring the said debtor before him at such e as he thinks proper, and on his or her taking the oath herein before mentioned, may direct that e body of such debtor shall be discharged from imprisonment, and appoint a time when such debtor ll appear before him to answer any interrogatories which his or her creditors may propose to him, not less than six months notice as aforesaid, any thing in this act to the contrary notwithstanding; ovided, that such discharge from imprisonment shall not operate as a discharge of any of the debts of e said imprisoned debtor; and provided, that the said imprisoned debtors, at the time of their dis-arge, if required by the chancellor, shall enter into bond, with such penalty, and with security, as e chancellor shall direct and approve, conditioned for the personal appearance, at such time or times the said chancellor shall direct, to answer the allegations of their creditor or creditors, according the provisions aforesaid; and if the said debtors shall not enter into bond as aforesaid, if required the chancellor, then such debtors shall remain in confinement until their application, (if objected ,) shall be decided on.

Judge, &c. on E. shore may order the sheriff, &c.

XII. And be it enacted, That in case any person named in this act may be imprisoned in any ol on the eastern shore, it shall be lawful for the judge of the district, or any associate justice of the unty, on the application of such person, at any time before the first day of June next, to order e sheriff, in whose custody he may be, to bring the said person immediately before them, for the rpose of taking the oath, or affirmation, if required, for delivering up his property to his credi-rs; and if the said person, so brought before the judge or justice, shall produce a petition to the hancellor, with a schedule of his whole property, and a list of his creditors, on oath, as herein re-uired, thereto annexed, and also the assent of three fourths of his creditors, and shall, before the id judge or justice, take the oath required for delivering up his property for the use of his creditors, shall be lawful for the said judge or justice to order that the said person be discharged from im-risonment, and appear before the chancellor within three months from the time of such discharge; nd if such order shall be made, the said judge or justice shall transmit the said petition and assent of is creditors, in writing, as aforesaid, with the schedule and list, on oath as aforesaid, annexed, to the hancellor; provided nevertheless, that if the said person, so discharged from imprisonment, shall ot appear before the chancellor agreeably to the said order, it shall be lawful for any judge or jus-ice, on application of the party at whose suit the said person was imprisoned, and on his producing certificate from the register in chancery, that such person hath not appeared before the chancellor greeably to the said order, to remand the said person to the prison from which he was discharged, here to remain until discharged by a due course of law; and provided always, that if any creditor of ny petitioning debtor in any of the gaols on the eastern shore shall require security of the petitioner, hat the judge or justice aforesaid shall not release any petitioner, until he or they shall give such se-urity as the judge or justice shall require for his appearance before the chancellor within three onths from the date of his discharge as aforesaid.

XIII. And

CHAP. LXXXIV. Chancellor may limit the time, &c.

XIII. AND BE IT ENACTED, That the chancellor may, by order, limit and appoint the time for creditors to bring in and declare their claims, and may examine ſuch creditors, and alſo the debtor, on oath or affirmation, concerning the ſame, and, on any conteſted claim, may, if he thinks proper, order the ſame, or any fact concerning the ſame, to be tried on an iſſue framed for that purpoſe, and may order any part of the petitioning debtor's eſtate to be ſet apart and retained for the eventual ſatisfaction of any conteſted claim, or to be brought again into diſtribution; and if any creditor, to whom a real debt is due, ſhall collude with the debtor to gain an undue preference in the ſatisfaction of his debt, or for concealment of any part of the debtor's eſtate or effects, or ſhall contrive or concert any acknowledgment of the debtor, by parole, or in writing, or any kind of ſecurity, to give falſe colour to his claim for more than is *bonâ fide* due, ſuch creditor ſhall loſe his debt truly due, and ſhall be totally excluded in the diſtribution.

Debtors arreſted may be diſcharged, &c.

XIV. AND BE IT ENACTED, That if the ſaid debtors, or any of them, ſhall be arreſted or impriſoned on any proceſs ſued out on any judgment or decree obtained againſt them, or any of them, for any debt, damages or coſts, contracted, owing or growing due, before the paſſing of this act, the court, out of which ſuch proceſs iſſued, ſhall and may diſcharge ſuch debtor on motion; and if the ſaid debtors, or any of them, ſhall be arreſted or impriſoned on any proceſs for the recovery of any debt, damages or coſts, contracted, owing or growing due, before the paſſing of this act, the court, before whom ſuch proceſs ſhall be returned, ſhall and may diſcharge ſuch debtor or debtors out of cuſtody on his common appearance being entered, without any ſpecial bail; provided, that the diſcharge of ſuch debtor or debtors ſhall not acquit any other perſon from ſuch debt, damages or coſts, or any part thereof, but that all ſuch perſons ſhall be anſwerable for the ſame in ſuch manner as they were before the paſſing this act.

Proceedings to be recorded, &c.

XV. AND BE IT ENACTED, That all proceedings in chancery under this act ſhall be recorded by the regiſter, who ſhall be entitled to the ſame fees as are fixed by law for ſervices in other caſes, which ſhall be paid at the time of obtaining the diſcharge.

Creditors to be conſulted, &c.

XVI. AND BE IT ENACTED, That in all appointments of truſtees under this act by the chancellor, in the room of any perſon before appointed, the chancellor ſhall conſult the creditors, and govern himſelf by the choice of a majority of them in value, unleſs upon notice being given by public advertiſement, or in ſuch other manner as he ſhall think reaſonable, the ſaid creditors ſhall neglect to make ſuch choice.

Time limitted.

XVII. AND BE IT ENACTED, That none of the ſaid debtors, who do not make application as aforeſaid on or before the firſt day of June next, ſhall have any benefit of this act.

CHAP. LXXXV.

Paſſed 24th of Dec. 1795.

An ACT directing returns to be made to the commiſſioners of the tax in the ſeveral counties of this ſtate. Lib. JG. No. 2. fol. 391. Repealed by 1797, ch. 89, ſection 44.

CHAP. LXXXVI.

* 1790, ch. 33.

A Further ſupplement to the act,* entitled, An act for the better adminiſtration of juſtice in the ſeveral counties of this ſtate. Lib. JG. No. 2. fol. 393. Repealed by 1796, ch. 43.

CHAP. LXXXVII.

An ACT to appoint an agent for the year one thouſand ſeven hundred and ninety-ſix. Lib. JG. No. 2. fol. 394.

An agent appointed, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That Randolph Brandt Latimer, Eſquire, be agent of this ſtate, to execute the truſt and power repoſed in him by virtue of this act from the firſt day of January, one thouſand ſeven hundred and ninety-ſix, until the firſt day of January, one thouſand ſeven hundred and ninety-ſeven.

To ſuperintend the collection of arrearages, &c.

II. AND BE IT ENACTED, That the ſaid agent ſuperintend the collection of all arrearages and balances due from the ſeveral collectors of the reſpective counties within this ſtate appointed ſince the firſt day of January, ſeventeen hundred and eighty-three; and the ſaid agent is hereby authoriſed and required to call upon the treaſurers of the reſpective ſhores for an accurate ſtatement of all arrearages and balances due from ſuch collectors, and ſuch account ſhall be furniſhed by the ſaid treaſurers accordingly.

III. AND

CHAP. LXXXVII. Of balances on the auditor's books, &c.

I. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all ces due to the ſtate on the auditor's books or on open account; and the ſaid agent ſhall have r to require payment of, and, if neceſſary, to ſue for and recover the ſame; and the ſaid agent, the approbation of the governor and council, may make compoſition with any ſuch debtors, ake bonds to the ſtate, with ſufficient ſecurity, and give time for payment, not exceeding one from the firſt day of December, ſeventeen hundred and ninety-five.

And all monies due for duties, &c.

. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all s due to the ſtate for naval duties, fines, penalties, forfeitures and amerciaments, and forfeited nizances, and for ordinary, retailers and marriage licences, and to require payment, and (if ſary) ſue for and recover the ſame; and the ſaid agent may allow for inſolvencies, and credit money that the party is not chargeable with by law, and, for his information of the law, he take advice of the attorney-general in writing.

Notice to be given of ſales, &c.

. AND BE IT ENACTED, That whenever there ſhall be occaſion to expoſe to public ſale the pro- of any collector, or his ſecurities, by virtue of any execution already iſſued, or to be directed is purpoſe, the agent ſhall cauſe public notice to be given of ſuch ſale, and ſhall attend the ſame, f it ſhall appear that there is danger of loſing any part of the debt due to the ſtate, and not wiſe, ſhall purchaſe any property ſo expoſed to ſale for the uſe of the ſtate, in payment, or part ent, as the caſe may be, of the arrearages due by the collectors whoſe property may be ſo aſed; and any property ſo purchaſed for the uſe of the ſtate, the ſaid agent may again expoſe blic auction, on the moſt advantageous terms for the uſe of the ſtate, and, if the ſame be n credit, which ſhall in no caſe exceed the term of one year, the ſaid agent ſhall take bond, good and ſufficient ſecurity, to be approved of by the treaſurer of the weſtern ſhore, from the aſers of ſuch property, and all bonds by him ſo taken ſhall be depoſited, with an accurate liſt f ſubſcribed by him, in the treaſury of the weſtern ſhore, and ſhall be a lien upon the real rty of ſuch purchaſers, and their ſecurities, from the reſpective dates, or ſo much thereof as ntioned in the ſchedule thereto annexed.

Agent to diſpoſe of property, &c.

. AND BE IT ENACTED, That the ſaid agent ſhall have power to diſpoſe of all confiſcated h property that remains unſold, and take bonds to the ſtate, with ſufficient ſecurity, and give for payment, not exceeding one year from the firſt day of December, ſeventeen hundred and y-five.

And to call on the attorney-general, &c.

I. AND BE IT ENACTED, That the agent ſhall immediately call on and requeſt the attorney- al to commence, and proſecute to final determination as ſpeedily as poſſible, the ſtate's right to onfiſcated property which hath been or may be made known and diſcovered to the ſaid agent; he ſaid agent ſhall report to the next ſeſſion of aſſembly ſuch ſuits as are or may be depending cover the ſame, and alſo ſuch as may then not be commenced, with the reaſons aſſigned by the ney-general why the ſame have not been commenced.

Debtors may be ſued, &c.

II. AND BE IT ENACTED, That if any bond debtor to the ſtate for confiſcated property pur- d, or otherwiſe, ſhall neglect to make payment, agreeably to the condition of his bond, and ſundry ves of the general aſſembly, the ſaid agent ſhall cauſe proceſs to iſſue for the whole principal and eſt then due, or ſhall proceed on any execution already iſſued, and ſerved and ſuſpended, as oc- n may require, or, under the direction and with the approbation of the governor and council, hereby authoriſed to delay any execution as long as they may think expedient and neceſſary.

Agent to ſuperintend the collection, &c.

. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all ces due on bonds taken for taxes due before the firſt day of January, ſeventeen hundred and y-three; and the ſaid agent ſhall alſo ſuperintend the collection of all balances due on bonds led, or otherwiſe, for the emiſſion of paper money of ſeventeen hundred and ſixty-nine, and teen hundred and ſeventy-three.

No proceſs to iſſue, &c.

. AND BE IT ENACTED, That no proceſs ſhall iſſue againſt any of the public debtors, unleſs by irection of the ſaid agent.

Agent to fix days, &c.

. AND BE IT ENACTED, That the ſaid agent ſhall have power to fix ſuch days for the ſale of rty taken by *fieri facias*, at the ſuit of the ſtate, as he may think proper, always taking care to at leaſt twenty days public notice thereof, and the ſaid agent ſhall alſo have power to ſuſpend ales, from time to time, as he may think moſt to the advantage of the ſtate.

CHAP. LXXXVII.

And pay ſpecie.

XII. AND BE IT ENACTED, That the ſaid agent ſhall pay into the treaſury, in ſpecie, the amo of all ſpecie by him received in the diſcharge of the duties of this act.

Bonds to be a lien, &c.

XIII. AND BE IT ENACTED, That in all caſes where bonds ſhall be taken in virtue of t act, the bonds ſhall be a lien on all the real property of the obligors from the date thereof, or ſo much of the ſaid real property as the governor and the council ſhall think ſufficient, to be p ticularly mentioned in a ſchedule to be annexed to the ſaid bond, in which caſe it ſhall be a lien the property contained in ſuch ſchedule, and no more, ſuch bond and ſchedule to be lodged with treaſurer of the weſtern ſhore.

And to expreſs the county, &c.

XIV. AND BE IT ENACTED, That all bonds, taken in virtue of this act, ſhall expreſs the cou in which the obligors reſpectively reſide, and the treaſurer of the weſtern ſhore ſhall, within month after he receives them, reſpectively, cauſe them, with the ſchedule annexed to them, to recorded in the office of the clerk of the general court of the weſtern ſhore at the expence of obligors; and a copy of the ſaid record, certified under the hand and official ſeal of the ſaid cle ſhall be as good evidence in any court of law or equity in this ſtate as the original bond would b it was produced; and if any of the obligors in any ſuch bonds reſide on the eaſtern ſhore, the treaſurer ſhall, within ſix months from the time he receives the ſame reſpectively, tranſmit to clerk of the general court of the eaſtern ſhore, in the ſame manner as papers on public ſervice tranſmitted, a copy of ſuch bonds and ſchedules, certified as aforeſaid by the clerk of the gen court of the weſtern ſhore, to be recorded in the office of the clerk of the general court of the eaſt ſhore, at the expence of the obligors, and, in ſuch caſe, a copy of the ſaid record, certified as af ſaid by the ſaid clerk of the general court of the eaſtern ſhore, ſhall be good evidence as aforeſai

Agent to render quarterly accounts, &c.

XV. AND BE IT ENACTED, That the ſaid agent ſhall render to the treaſurer of the weſtern ſ diſtinct quarterly accounts of his receipts of money, certificates and bonds, in virtue of this and ſhall immediately thereupon pay and deliver the ſame to the ſaid treaſurer, who ſhall, in his nual report to the general aſſembly, ſtate fully and particularly the money, certificates and bo by him received from the ſaid agent, and the times when the ſame were received and accounted

A fair account to the general aſſembly, &c.

XVI. AND BE IT ENACTED, That the ſaid agent ſhall render a fair and full account of his ſ ral proceedings, under the authority of this act, to the general aſſembly at their next ſeſſion, within the firſt ten days after its commencement, in which account ſhall be ſpecified, under diſt heads, his own receipts, and thoſe of the treaſurer, and of all transfers of ſtock upon which he be entitled to commiſſions, and in which ſhall alſo be contained a particular eſtimate of his comm ons, ſhewing how and upon what the ſame aroſe due.

And lay before them an account of money, &c.

XVII. AND BE IT ENACTED, That the ſaid agent ſhall and he is hereby directed to lay be the general aſſembly at their next ſeſſion, on the firſt day thereof, an account of the money and tificates by him received, in virtue of his office, from the time of his original appointment until firſt day of November, in the year ſeventeen hundred and ninety-five, arranged under diſtinct he ſpecifying the names of the perſons from whom the ſame were reſpectively received, and the ſev times when received, and the amount he has paid into the treaſury, and the time when paid, alſo an account of the tranſactions within the period aforeſaid that were under his ſuperintende ſtating them in detail, under diſtinct heads, according to the rate of commiſſion allowed him, ſpec ing the rate and amount of the commiſſion he has drawn in each and every caſe, or which he within that period, entitled to draw.

Commiſſions allowed.

XVIII. AND BE IT ENACTED, That the ſaid agent ſhall be allowed for his ſervices the follow commiſſions, to wit: For all payments made to either of the treaſurers on bonds for confiſcated p perty, one *per cent.* for all bonds with ſecurity taken by the ſaid agent on reſales of confiſca property in virtue of this act, two and a half *per cent.* for all monies collected on open accounts, including monies ariſing from fines, forfeitures and amerciaments, ordinary, retailers, marriage, h kers and pedlers licences, which have become due ſince the firſt day of January, ſeventeen hund and ninety-one, ſix *per cent.* and for all other monies by him actually received and paid into the t ſury, three *per cent.* and for all other bonds taken in virtue of this act, one *per cent*; provided, the ſaid agent ſhall not be entitled to any commiſſion upon the monies ariſing from fines, forfeitu amerciaments, ordinary, retailers, marriage, hawkers and pedlers licences, unleſs in caſes wh the ſame ſhall not be paid by the ſheriffs and clerks reſpectively to the treaſurer within the time ſcribed by law, and unleſs the ſaid agent ſhall thereafter receive the ſame from the ſaid officers ſpectively, and the ſame pay to the ſaid treaſurer.

XIX. A

CHAP. LXXXVII. Agent to purchase ſtock, &c.

IX. AND BE IT ENACTED, That the ſaid agent, with the approbation of the governor and coun- the auditor-general and treaſurer of the weſtern ſhore, given in writing, be and he is hereby au- iſed, with ſuch ſurplus money in the treaſury as can prudently be ſpared under a view of the ing and probable demands upon the public funds, to purchaſe, for the benefit of the ſtate, on beſt poſſible terms, not exceeding twenty ſhillings in the pound, ſtock of the United States bear- n immediate intereſt of ſix *per cent.* to be transferred to the ſtate's truſtee; and the ſaid agent immediately after ſuch purchaſes, cauſe the ſaid ſtock to be transferred to the truſtee of the and ſhall report to the general aſſembly, at their next ſeſſion, a preciſe and accurate ſtatement e money ſo expended, of the ſtock therewith bought, and the times when, the perſons from m, and the prices at which, the purchaſes were made; and the treaſurer of the weſtern ſhore in his annual report, ſpecify the ſums of money drawn out of the treaſury for the purpoſes ſaid, and the amount of ſtock therewith purchaſed and transferred to the truſtee; and the ſaid t ſhall be entitled to receive, as a compenſation for his ſervices, a commiſſion of one *per cent.* on oney by him paid in the purchaſe of ſtock as aforeſaid, and no more.

And give bond, &c.

X. AND BE IT ENACTED, That the ſaid agent, before he enters upon the execution of the s of this act, ſhall give bond to the ſtate, before the governor and the council, in the penalty wenty thouſand pounds current money, with ſuch ſecurity as the governor and council ſhall ove, for the faithful performance of the ſaid duties, which bond ſhall be lodged with the treaſurer e weſtern ſhore; and ſhall alſo take an oath, before the chancellor, that he will well and faith- diſcharge the duties of agent, under the act, entitled, An act to appoint an agent for the year thouſand ſeven hundred and ninety-ſix, to the beſt of his ſkill and judgment; the certificate hich oath ſhall be annexed to, or endorſed on, the ſaid bond.

How a vacancy is to be filled.

XI. AND BE IT ENACTED, That if the ſaid agent ſhall not accept his appointment, or if, acceptance, he ſhall not give bond and take the oath aforeſaid before the firſt day of February or ſhall die, the governor and the council are hereby authoriſed and requeſted to appoint a fit proper perſon in his place, who ſhall have and execute all the authorities and powers veſted in aid Randolph Brandt Latimer by this act, ſuch perſon firſt giving ſecurity and taking the oath eſaid.

CHAP. LXXXVIII.

Paſſed 24th of Dec. 1795.

ACT relative to the proceedings in the court of chancery and in the land-office. Lib. JG. No. 2. fol. 399.

A Supplement 1796, ch. 6.

In certain caſes chancellor may direct notice, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That in any caſe whatever, where a bill ſhall be filed in the court of chancery againſt any perſon or perſons not reſiding within the ſtate, the cellor may direct ſuch notice of the ſaid bill, and of the object thereof, by advertiſement in s-papers, or otherwiſe, as to him ſhall ſeem proper, warning the defendant or defendants to ap- in the ſaid court in perſon, or by a ſolicitor, on or before ſome day to be fixed, not leſs than months diſtant from the time of the firſt advertiſement, or other notice, to ſhew cauſe why a ee ſhould not be paſſed as prayed by the bill; and in caſe the defendant or defendants ſhall not ppear within the time limitted, either the bill, at the diſcretion of the chancellor, may be taken *confeſſo*, and he ſhall proceed to decree in the ſame manner as if the defendant or defendants had itted, by anſwer, the facts ſtated in the bill, or a commiſſion ſhall, on application of the com- nant or complainants, be iſſued for taking depoſitions on his or their part, and on return of the commiſſion, the chancellor may proceed to decree according to the facts proved, and the bliſhed principles and practice in equity; provided nevertheleſs, that if the ſaid defendant or ndants ſhall appear to the bill in perſon, or by a ſolicitor, at any time before a decree ſhall be ed, there ſhall in all reſpects be the ſame proceedings before a decree, as if the defendant or ndants had appeared regularly on the return of a ſubpœna; and provided alſo, that if any per- againſt whom a decree ſhall be made, in virtue of this act, his or her heir or heirs, deviſee or reſentative, ſhall appear in the chancery court at any time within eighteen calendar months from date of the decree, and require a review of the ſame, the chancellor, upon a bill filed by ſuch on, his heir or heirs, deviſee or repreſentative, ſhall proceed to an examination of the matters iſpute, and to a final decree, in the ſame manner as if the ſaid perſon had originally appeared re him,

CHAP. LXXXVIII.

And on application decree a sale, &c.

II. AND BE IT ENACTED, That the chancellor shall have power and authority, on applicati already made, or hereafter to be made, by bill or petition, and after summoning and hearing t person or persons proper to be made defendant or defendants, or after such proceedings against hi her or them, as would entitle the complainant or complainants to a decree in other cases, to decr the sale of any equitable title or claim to land, in any case in which he might on application decr the sale of a legal complete title, and the purchaser or purchasers of such equitable title from trustee or trustees, to be appointed in the same manner, and on the same terms, as other trustees sale of land are appointed, shall, in consequence of such purchase, and a conveyance to be made the said trustee or trustees, stand in the place of the person or persons in whom was the said equit ble title at the time of the decree, and shall be entitled to such remedy against any party or parti as the said person or persons might have had.

Creditor may pray a subpœna, &c.

III. AND BE IT ENACTED, That any creditor or creditors, who have made or shall make applic tion to the chancellor by bill or petition, for the sale of any land which hath descended or been d vised to an infant or infants, for the payment of the debts of the ancestor or devisor, who had on an equitable interest or title in the said land, may pray and obtain a subpœna against the person persons having the legal title to the said land, in case such person or persons be resident of the stat or give such notice of the bill or petition as the chancellor shall direct, in case such person or perso be not resident of the state; and on summoning and hearing of all parties concerned, or on such pr ceedings against the defendant as are proper to entitle the complainant or complainants to a decr in other cases, the chancellor shall have power to decree, as shall appear to him just to all partie and if it shall appear to him, that no money is due for the land from the person or persons who h the equitable claim or title aforesaid to the person or persons having the legal title, he shall decr a sale of the whole interest, estate and title, of all parties to the land aforesaid, and direct the mon arising from the sale to be applied to the discharge of the just debts of the ancestor or devisor afo said; but if it shall appear to the chancellor, that the person or persons having the legal title, ha not been paid the whole money contracted to be paid to him, her or them, the chancellor shall n decree a sale of more than the equitable title aforesaid, without the consent of the party or parti having the legal title, or without providing that the debt for the land shall be wholly paid.

With consent, a commission may issue, &c.

IV. AND BE IT ENACTED, That hereafter, with the consent of both parties to any cause in t court of chancery, a commission for taking depositions may issue to one person, instead of four pe sons now required by law, or by the usage and practice of chancery, and that any one person whom such commission shall be directed, shall be allowed for his services at the rate of thir shillings *per diem*.

Deputy may make out a plot, &c.

V. AND BE IT ENACTED, That in case any warrant for surveying or resurveying land hath issue or shall issue, and the same hath been or shall be executed by a deputy of the surveyor authorised execute the same, and before a certificate of the survey or resurvey shall be made out and sign by the said surveyor, he shall die, the said deputy shall have power, within six months after su death, to make out and sign a plot, and special certificate, stating the circumstances of the ca with an affidavit of the truth thereof annexed or endorsed, and the said certificate shall be as go and effectual as if made out and signed by the said surveyor; and if any amendment or correction the said plot or certificate shall be necessary, the amendment or correction shall be made by the s deputy, or such other person as the chancellor, or the judge of the land-office on the eastern shor as the case may be, shall think proper.

Surveyor resigning may correct his certificate, &c.

VI. AND BE IT ENACTED, That in case any certificate hath been or shall be made out by a county surveyor authorised to make the same, under a warrant of survey or resurvey, and the sa hath been or shall be duly returned, and an order of the chancellor, or judge of the land-office the eastern shore, hath been or shall be made for correcting the same, and the surveyor hath resign or shall resign his office, without making out a corrected certificate, or correcting the original, t chancellor, or judge of the land-office of the eastern shore respectively, on application of the part and at his own discretion, may order the correction to be made by the said surveyor; and the co rected certificate made out by the said surveyor shall be as good and effectual as if he had not r signed, and he shall be entitled to such fees as to the chancellor, or judge of the land office for t eastern shore, shall, under all circumstances, appear reasonable, not exceeding the fees establish by law.

No original certificate to be received, &c.

VII. AND BE IT ENACTED, That hereafter no original certificate of survey or resurvey under warrant shall be received in the land-office, unless the same be passed by the examiner-general, a returne

urned to the ſaid office before the firſt day of July next, or within eighteen months from the date the warrant; (a) and in caſe any order hath been made for the correction of any certificate of vey or reſurvey under a warrant, the corrected certificate ſhall not be received into the land-ce, unleſs paſſed by the examiner, (if neceſſary,) and returned before the firſt day of January, enteen hundred and ninety-ſeven; and in caſe any order ſhall hereafter be made for the correction any certificate as aforeſaid, the corrected certificate ſhall not be received, unleſs paſſed by the miner, (if neceſſary,) and returned within nine months from the date of the order, but nothing this act contained ſhall be ſo conſtrued as to extend the time within which a ſurvey or reſurvey der a warrant may be made.

(a) By 1796, ch. 6, perſons having ſurveys made on the eaſtern ſhore before July 1ſt, 1796, or made ſince by virtue of warnts granted before that time, returnable by law to the land-office on the weſtern ſhore, were allowed time till the 1ſt of July, 797; but not to affect rights then acquired by proclamation, &c. Certificates in ſuch caſes to be returned on or before that time, nd recorded in the land-office of the weſtern ſhore, and to be good and effectual as if returned in time.

VIII. AND BE IT ENACTED, That where any certificate of ſurvey or reſurvey ſhall, by the exner-general be found erroneous, or where, on application of the party, the chancellor or judge the land-office on the eaſtern ſhore may think proper to direct the correction of any certificate, there is not ſufficient time for ſuch correction to enable the party to pay the money within the e required by law, on a tender being made of the money due to the treaſurer, three months ſhall llowed for the correction of ſuch cerificate, and being paſſed by the examiner-general, and payt made within the ſaid three months, the ſame ſhall be valid. A tender may be made, &c.

X. AND BE IT ENACTED, That no certificate of ſurvey or reſurvey ſhall be liable to a warrant roclamation before the firſt day of June next. No certificate liable, &c.

. AND BE IT ENACTED, That in caſe any certificate of ſurvey or reſurvey already made, or after to be made, hath been or may be returned, by which vacant land may be included, and not pounded for agreeably to law, ſuch ſurvey or reſurvey ſhall be liable to be affected by a proclaion warrant, by any perſon who ſhall apply for the ſame, but no proclamation warrant ſhall reafter iſſue on any ſurvey made or hereafter to be made in this ſtate, unleſs one tenth part of land contained in the ſaid ſurvey or reſurvey is compounded upon and paid to the treaſurer of weſtern or eaſtern ſhore, as the caſe may be, before ſuch warrant ſhall iſſue; provided, that the ſon claiming the ſaid ſurvey or reſurvey ſhall have one day after the ſaid firſt day of June, or r the expiration of the warrant of ſuch ſurvey or reſurveys made, or hereafter to be made, as reſaid, for a proclamation, to pay and compound on the ſame, and no application ſhall be received the regiſter of the land-office for the weſtern or eaſtern ſhore reſpectively, until after ſuch day of emption ſhall have expired; provided, that nothing herein contained ſhall be taken or deemed to ct the right of any perſon who hath already applied for any proclamation warrant, if ſuch perſon l take out the ſaid warrant on or before the firſt day of April next. Certain certificates liable to proclamation, &c.

XI. AND BE IT ENACTED, That it ſhall be the duty of ſurveyors in returning certificates here-r, to expreſs the quantity and quality of the improvements contained on the land included in the vey or reſurvey, and ſubject to the operation of the warrant, with his opinion of the value of the e, and no exception ſhall hereafter be taken to any certificate of ſurvey or reſurvey made, or ich hereafter may be made, by way of caveat in the land-office, on account of improvements not ng returned. Quantity, &c. to be expreſſed, &c.

XII. PROVIDED, That nothing in this act ſhall be taken or conſtrued to affect any caſe now exiſt- on caveat before the chancellor. Proviſo.

CHAP. LXXXIX.

Supplement to the act * for enlarging the capital of this ſtate in the Patowmack company. Lib. JG. No. 2. fol. 403.

Paſſed 24th of Dec. 1795.
* Chapter 51.

WHEREAS by an act, entitled, An act for enlarging the capital of this ſtate in the Patowmack company, paſſed at this preſent ſeſſion of aſſembly, the preſident and directors of the com-y for opening and extending the navigation of the river Patowmack have augmented the capital of d company to one hundred ſhares more, and the treaſurer of this ſtate is authoriſed and directed, n the terms and conditions therein expreſſed, to ſubſcribe, on behalf of the ſtate, for forty ſhares the ſaid augmented capital. Preamble.

II. BE

CHAP. LXXXIX. In certain caſes preſident, &c. not to call on the treaſurer, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That unleſs the preſident and directors aforeſaid ſhall diſpoſe of ſixty ſhares of the ſaid augmented capital for the ſum of one hundred and thirty pounds ſterling each ſhare, they ſhall have no authority to call for or receive from the treaſurer of this ſtate any ſubſcription for any part of the ſaid augmented capital, which by the ſaid act he is authoriſed to ſubſcribe, nor for any payment of the ſaid ſubſcription, but in the ſame proportion as the other ſubſcribers to the ſaid augmented capital ſhall from time to time pay and advance to the ſaid preſident and directors the amount of their reſpective ſubſcriptions, nor until the ſaid preſident and directors ſhall certify to the ſaid treaſurer, under their hands, that the preceding inſtalments have been paid on every ſhare of ſaid augmented capital.

CHAP. XC.

Paſſed 24th of Dec. 1795.

An ACT for the payment of the journal of accounts. Lib. JG. No. 2. fol. 404.

Preamble.

WHEREAS it appears by the journal of accounts of this ſeſſion, that there is now due from this ſtate the ſum of ſeven thouſand ſix hundred and forty-ſix pounds ten ſhillings and threepence current money,

Treaſurer to pay, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the treaſurer of the weſtern ſhore ſhall and he is hereby authoriſed and required to pay the ſeveral perſons, their executors, adminiſtrators, aſſigns or orders, or to ſuch of them as ſhall offer to receive the ſame, the ſeveral ſums of current money allowed to them reſpectively, as they appear to be ſettled and aſcertained by the ſaid journal of accounts, out of any money now in the treaſury, or that ſhall come into the treaſury, ſubject to the appropriation of the general aſſembly.

1796. At a SESSION of the GENERAL ASSEMBLY of MARYLAND, begun and held at the CITY of ANNAPOLIS, on Monday, the 7th of November, and ended the 31ſt day of December, 1796, the following laws were enacted.

JOHN HOSKINS STONE, ESQUIRE, GOVERNOR.

CHAP. I.

Paſſed 30th of Dec. 1796.

An ACT to ſettle and aſcertain the ſalary of members of the council for the enſuing year. Lib. JG. No. 2. fol. 411.

CHAP. II.

An ACT to incorporate the charitable marine ſociety of Baltimore. Lib. JG. No. 2. fol. 411.

Preamble.

WHEREAS Thomas Elliott, David Porter, Thomas Cole, Levin Hall, Daniel Howland, John Snider, Joſeph White, Tobias Stanſbury, Peter Sharp, and others, have formed themſelves into a ſociety, with the charitable view of affording relief to the diſtreſſed widows and orphans of members of the ſaid ſociety, and for other laudable purpoſes they have prayed an act of incorporation; and the legiſlature being deſirous of promoting ſuch benevolent and humane undertakings, have granted the ſame; therefore,

Perſons incorporated, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Thomas Elliott, David Porter, Thomas Cole, Levin Hall, Daniel Howland, John Snider, Joſeph White, Tobias Stanſbury, Peter Sharp, and others that now are or may hereafter become ſubſcribers and contributors to the ſaid corporation herein erected, and may be admitted into the ſaid corporation agreeable to the rules and by-laws of the ſame, and their ſucceſſors, are hereby declared to be one community, corporation and body

y politic, for ever, by the name of The Charitable Marine Society of Baltimore, and by the ſame ne they and their ſucceſſors ſhall and may have perpetual ſucceſſion, and ſhall and may at all times eafter be perſons able and capable in law to purchaſe, take, have and enjoy, to them and their ceſſors, in fee, or leſs eſtate or eſtates, any lands, tenements, rents, annuities, chattels, bank k, regiſtered debt, or other public ſecurities within this ſtate, by the gift, bargains, ſale or de-, of any perſon or perſons, bodies politic or corporate, capable to make the ſame, and the ſame their pleaſure to alien, ſell, transfer or leaſe, in ſuch manner as they may judge moſt conducive he benevolent and charitable uſes of ſaid ſociety; provided nevertheleſs, that the ſaid corpora- or body politic ſhall not, at any one time, hold or poſſeſs property, real, perſonal or mixed, ex- ding in total value the ſum of twenty thouſand pounds current money.

Corporation to meet, &c.

II. AND BE IT ENACTED, That the members of ſaid corporation, and their ſucceſſors, may meet ether on the twenty-ſixth day of June, in the year of our Lord ſeventeen hundred and ninety- en, at Baltimore-town, and on the ſame day annually for ever thereafter, or as ſoon after as may and then and there elect the officers of ſaid ſociety, and form ſuch rules and regulations as y be neceſſary for aſſuring and carrying into effect the benevolent purpoſes of this act, provided h rules and regulations be not repugnant to the conſtitution and laws of this or the United tes.

Appointments to continue, &c.

V. AND BE IT ENACTED, That all appointments of officers for ſaid ſociety heretofore made by members thereof in their private capacities, ſhall reſpectively continue and be of full force until time ſpecified by this act for the firſt election of officers for ſaid body corporate.

Corporation may ſue, &c.

. AND BE IT ENACTED, That the ſaid corporation, and their ſucceſſors, by the name aforeſaid, be for ever hereafter able and capable in law to ſue and be ſued, plead and be impleaded, anſwer be anſwered unto, defend and be defended, in all or any courts of juſtice, and before all or any ges, officers or perſons whatſoever, in all and ſingular actions, matters and demands whatſo- r, and that it ſhall and may be lawful for them, and their ſucceſſors, for ever hereafter, to have ommon ſeal for their uſe, and the ſame, at the will and pleaſure of them and their ſucceſſors, to nge, alter, break and make anew, from time to time, as they ſhall think beſt, and ſhall in general e and exerciſe all ſuch rights, franchiſes, privileges and immunities, as by law are incident and eſſary to corporations of this kind, and which may be neceſſary to the corporation herein and eby conſtituted and erected, to enable them duly and fully, in the law, to execute all things ching and concerning the deſign and intent of their ſaid incorporation, for the benevolent ſuccour relief of the widows and orphans of members of the ſaid ſociety, agreeable to ſuch rules and laws as may be eſtabliſhed by ſaid ſociety.

CHAP. III.

Paſſed 30th of Dec. 1796.

ACT for the relief of Lucy Jennings, widow and deviſee of Richard Jennings, late of Frede- rick county, deceaſed. Lib. JG. No. 2. fol. 413. A Private Act.

CHAP. IV.

ACT for the relief of Chriſtian Weaver. Lib. JG. No. 2. fol. 413. A Private Act.

CHAP. V.

An ACT to confirm certain proceedings of the levy court of Cæcil county, and to enable ſaid court to lay further taxes for the ſupport of the poor of ſaid county. Lib. JG. No. 2. fol. 414.

Preamble.

WHEREAS it is repreſented by the levy court and truſtees of the poor of Cæcil county, that the ſums of money heretofore raiſed in ſaid county for the ſupport of the poor have been in- ufficient;

Money to be levied, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of ſaid county be and ey are hereby authoriſed and empowered to levy annually on the aſſeſſable property of ſaid county, ch ſum of money as they ſhall find neceſſary for the ſupport of the poor thereof, not exceeding five illings current money on every hundred pounds of property as aforeſaid in ſaid county, together ith the collector's commiſſion of ſix *per cent.* for collecting the ſame.

III. AND,

CHAP. V.

Levy confirmed, &c.

III. AND, whereas it appears by the repreſentation of ſaid levy court, that in the tax laid for the preſent year they have levied on ſaid county eight hundred pounds beyond the ſum which by law they were authoriſed to levy, the unavoidable expenditures for the ſupport of the poor having largely exceeded the appropriation therefor; BE IT ENACTED, That the levy made by ſaid court as aforeſaid be and the ſame is hereby confirmed, and that the collector of ſaid county be and is hereby authoriſed and empowered to collect the ſame in the ſame manner as he is authoriſed to collect other county taxes, and that all proceedings therein be and are made valid and confirmed, in the ſame manner as if the ſaid levy court had been by law previouſly authoriſed to levy a tax on ſaid county for the ſaid ſum of money.

CHAP. VI.

Paſſed 30th of Dec. 1796. * 1795, ch. 88.

A Supplement to an act,* entitled, An act relative to the proceedings in the court of chancery, and in the land-office. Lib. JG. No. 2. fol. 415.

Preamble.

WHEREAS by the act to which this is a ſupplement the regiſter of the land-office for the weſtern ſhore is prevented from receiving in the land-office any original certificate of ſurvey or reſurvey under warrant, unleſs the ſame had paſſed the examiner-general, and returned to the land-office before the firſt day of July, ſeventeen hundred and ninety-ſix, or within eighteen months from the date of the warrant: And whereas many of the citizens of the eaſtern ſhore of this ſtate, from want of information of the ſaid law, have omitted to comply with the directions thereof, by not returning their certificates to the land-office of the weſtern ſhore within the time limitted by ſaid law, but are now ready and deſirous to compound on certificates under the above circumſtances, and will be materially injured unleſs they are permitted to pay on the ſame: And whereas the ſtate cannot be injured by extending the time for compounding on ſuch certificates; therefore,

Surveys may be compounded on, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That all perſons having ſurveys made on the eaſtern ſhore before the firſt day of July, one thouſand ſeven hundred and ninety-ſix, or having ſurveys ſince made by virtue of warrants granted before that time, and which by law were returnable to the land-office for the weſtern ſhore, may compound thereon on or before the firſt day of July next; and that no certificate of ſurvey or reſurvey made on the eaſtern ſhore on warrants granted and returnable as aforeſaid, ſhall be liable to be affected by any proclamation, or other warrant, before the firſt day of July next; provided always, that nothing herein contained ſhall be taken or deemed to affect the right of any perſon already acquired by any proclamation or ſpecial warrant or reſurvey, or by any common warrant already located, to lands included within any ſuch certificate of ſurvey or reſurvey.

Certificates to be received, &c.

III. AND BE IT ENACTED, That all certificates of ſurvey or reſurvey made on the eaſtern ſhore under warrant granted as aforeſaid, and which were by law returnable to the land-office of the weſtern ſhore, ſhall be received into the land-office for the weſtern ſhore at any time on or before the ſaid firſt day of July next, and ſhall be therein recorded, and which ſhall be as good and effectual to all purpoſes, as if ſuch certificates had been returned and compounded on agreeably to the acts of aſſembly heretofore made and provided.

CHAP. VII.

An ACT making valid the title of Matthew Ryan to ſeveral lots or parcels of land therein mentioned. Lib. JG. No. 2. fol. 416. A Private Act.

CHAP. VIII.

An ACT for the more effectual collection of the county charges in Allegany county. Lib. JG. No. 2. fol. 417.

A Supplement 1799, ch. 74.

Preamble.

WHEREAS experience has diſcovered that the laws heretofore paſſed for the collection of the county charges of Allegany are totally inadequate for that purpoſe; therefore,

A liſt to be returned, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That in all caſes hereafter, where any lands in Allegany county may become charged for the payment of county taxes, and the collector can find no perſonal property in the ſaid county liable for, or chargeable with, the payment of the ſame, ſuch collector ſhall and is hereby directed and required to return to the commiſſioners of the tax for the ſaid county, at their annual or adjourned meeting or meetings, or at ſuch time or times as

commiſſioners, or a majority of them, ſhall require or direct, a liſt of ſuch tract or tracts of lot or lots of land, and the amount of the taxes thereon reſpectively due, together with the or names of the perſon or perſons reſpectively chargeable with the payment of the ſame. CHAP. VIII.

AND BE IT ENACTED, That if the collector ſhall omit or neglect to return a liſt as aforeſaid, being thereto directed, in writing, by the ſaid commiſſioners, or a majority of them, for ſuch n or neglect he ſhall forfeit and pay the ſum of thirty pounds current money, to be ſued for covered by action of debt in the name of the commiſſioners, and to be applied to the uſe of ounty in ſuch manner as the juſtices of the levy court, or a majority of them, ſhall direct. Penalty for neglect, &c.

AND BE IT ENACTED, That it ſhall and may be lawful for the ſaid commiſſioners, or a ma- of them, and they are hereby directed and required, to cauſe advertiſements, expreſſing the or names of ſuch tract or tracts of land, or the number or numbers of ſuch lot or lots of land, e amount of the taxes thereon reſpectively due, together with the name or names of the per- perſons reſpectively chargeable for the ſame, to be inſerted at leaſt once per week for and eight weeks, in the Baltimore Telegraphe, the Annapolis, Eaſton, George-town, and one of rederick-town news-papers, notifying, that unleſs the county charges due on the lands as id, ſhall be paid to the collector of Allegany county, within the ſpace of one hundred days he publication of the notice aforeſaid is completed, the land ſo charged as aforeſaid, or ſuch ereof as may be neceſſary to raiſe the ſum due thereon, ſhall be ſold to the higheſt bidder for yment of the ſame. Commiſſioners to give notice, &c.

AND BE IT ENACTED, That in all caſes where the ſaid county charges ſhall not be paid by or time mentioned in ſuch advertiſements, it ſhall and may be lawful for the ſaid commiſſion- a majority of them, and they are hereby authoriſed and required, to direct the collector of unty, after thirty days previous notice at the court-houſe door, and at the moſt public places county, ſuch tract or tracts of land, or ſuch lot or lots of land, or ſuch part or parcels thereof be ſufficient to diſcharge the taxes thereon due, to ſell to the higheſt bidder, and the ſame, old, to transfer by deed of bargain and ſale to the purchaſer thereof; provided, that nothing contained ſhall in any manner be conſtrued to authoriſe or empower the ſaid collector to ſell and than may prove ſufficient to diſcharge the taxes and legal charges thereon due. And direct the collectors to ſell, &c.

799, ch. 74, ſeveral regulations are made with reſpect to the ſaid ſales, and the land, (where a whole tract or lot is ſold,) ſted to be re-conveyed on the owners paying within one year the purchaſe money, with ten *per cent.* on it, and all legal s.

AND BE IT ENACTED, That nothing in this act ſhall affect any tract or tracts of land, lot or ranted to the officers or ſoldiers of this ſtate, unleſs the ſame ſhall have been, or may here- e, ſold or transferred by ſaid officers or ſoldiers; and provided nothing herein contained ſhall he rights of perſons under the impediment of infancy, coverture, inſanity of mind, or actual nment, or of citizens of the United States beyond ſeas, until twelve months after the l of ſuch diſabilities. Certain land not to be affected, &c.

AND BE IT ENACTED, That the third ſection of an act, (a) entitled, An act for the col- of the county charges in Allegany county, be and the ſame is hereby repealed. A ſection repealed.

(a) November, 1792, ch. 66.

I. AND BE IT ENACTED, That this act ſhall continue and be in force for and during the term ee years, and until the end of the next ſeſſion of aſſembly that may happen thereafter. Duration.

ther continued for three years, &c. by its ſupplement, 1799, ch. 74.

act of 1797, ch. 90, for the more effectual collection of the county charges does not extend to Allegany county.

CHAP. IX.

CT to pay the civil liſt, and other expences of civil government. Lib. JG. No. 2. fol. 419. Paſſed 30th of Dec. 1796.

CHAP. X.

ACT for the relief of Anne Dent and Theodore Dent, adminiſtrators of Peter Dent, late of Charles county, deceaſed. Lib. G. No. 2. fol. 419.

HEREAS it is repreſented to this general aſſembly, by the petition of Anne Dent and Theo- dore Dent, adminiſtrators of Peter Dent, late of Charles county, deceaſed, that Peter Dent, Preamble.

CHAP. X.

in his life time, for many years acted as inſpector at Pomonkey warehouſe in ſaid county, and t he diſcharged his duty honeſtly and faithfully in that ſtation; that ſometime in the year ſevent hundred and eighty-one, during the late war, when a ſquadron of enemy ſhips were in the river towmack, a number of hogſheads of tobacco were taken out of the ſaid warehouſe, for the purpoſ defence, by the militia then aſſembled, and the ſaid tobacco, ſo taken out, lay expoſed a conſider time to the weather, and ſeveral hogſheads were ſtolen and loſt, which circumſtance, with the the ſhattered and decayed ſituation of the warehouſe, rendered it impoſſible that he could preſe the whole of the tobacco for delivery to the owners: And whereas it appears unreaſonable and juſt that the eſtate of the ſaid Peter Dent be burthened with the loſs of the tobacco thus incur

Juſtices to make inquiry, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy cour Charles county be and they are hereby empowered and directed, at their next levy court, to m ſtrict inquiry into all the circumſtances of the petitioners caſe, and if, upon ſuch inquiry, they be of opinion that the eſtate of the ſaid Peter Dent has ſuſtained any loſs or damage by tob being taken out of ſaid warehouſe by the militia, or by the ſhattered and decayed ſituation of warehouſe, and not by the negligence or inattention of the ſaid Peter Dent while inſpector ther they ſhall levy on the aſſeſſable property of Charles county a ſum of money equivalent to the quan of tobacco ſo loſt, to the eſtate of the ſaid Peter Dent, with the uſual expence of collecting ſame; and the ſame, when collected, ſhall be paid to the ſaid Anne Dent and Theodore Dent adminiſtrators of the ſaid Peter Dent.

CHAP. XI.

Paſſed 30th of Dec. 1796.

An ACT for erecting a new bridge over Dividing creek, between t counties of Somerſet and Worceſter. Lib. JG. No. 2. fol 42

Preamble.

WHEREAS it is repreſented, that the bridge acroſs the creek called Dividing creek, is i ruinous condition, and almoſt impaſſable for want of repairs; therefore,

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Meſſieurs George Waters, Will Stevens, William Corbin, John Cottingham and Philip Quinton, are hereby conſtituted commiſſione and the ſaid commiſſioners, or a majority of them, are hereby authoriſed and empowered, as ſoo convenient, to cauſe a new bridge to be erected over the Dividing creek, at the place where the bridge now ſtands near Dividing creek chapel; and the ſaid commiſſioners, or a majority of th are hereby empowered to contract, in the whole or in part, with any perſon or perſons who will dertake to do the ſaid work at the cheapeſt rate, or the ſaid commiſſioners may purchaſe materials hire labourers to complete the ſaid work.

Juſtices to levy money, &c.

III. AND BE IT ENACTED, That the juſtices of the levy courts of Worceſter and Somerſet co ties, at their next levy court, ſhall and they are hereby directed to levy on the aſſeſſable proper their reſpective counties a ſum not exceeding twenty-five pounds current money on each of the ties aforeſaid, which ſaid ſum ſhall be aſſeſſed and collected with the collector's uſual commiſſion the ſame manner as the other county charges of the ſaid counties are collected; and the ſaid co tors of the ſaid counties ſhall be anſwerable for and pay the ſaid ſums of money to be by them le from their counties reſpectively, to the commiſſioners, or either of them, or their order, at any aſter the ſaid ſum or ſums of money ought to have been collected; and if either of the ſaid colle ſhall neglect or refuſe to pay the ſame, at the times aforeſaid, the commiſſioners aforeſaid, or a jority of them, are hereby authoriſed and required to ſue for and recover the ſame in the co court of the county in which ſuch collector, his heirs, executors or ſecurities, or either of th ſhall reſide, in an action on the caſe, in which it ſhall be only neceſſary for ſuch commiſſioner or c miſſioners to declare for ſo much money had and received to his or their uſe.

A fair account to be annually laid before the court, &c.

IV. AND BE IT ENACTED, That the ſaid commiſſioners ſhall annually lay before the levy co of the counties aforeſaid a fair and diſtinct account of all money by them received and expended the purpoſe aforeſaid, and the ſurplus, if any, after completing the bridge aforeſaid, ſhall be app towards paying the county charges; and if the ſaid commiſſioners ſhall refuſe or neglect to re ſuch account, or ſhall neglect or refuſe to pay over the balance in their hands to ſuch uſes, an ſuch perſons, as the ſaid levy courts reſpectively ſhall order and direct, that the ſaid commiſſion or either of them, ſhall be liable to be ſued in the county in which ſuch commiſſioner or commiſ ers reſide, in the name of the ſtate of Maryland, in an action for money had and received to the of the ſtate, in which action proof of the receipt of the money by any of the ſaid commiſſioners be ſufficient to ſupport the ſaid action, and ſuch ſum of money recovered in the ſaid action or acti

be received by the juſtices of the levy court ordering ſuch ſuit, and applied by them in the manherein before directed. CHAP. XI.

AND BE IT ENACTED, That upon the death of any of the ſaid commiſſioners, or on his re- How vacancies are to be filled.
to act, it ſhall and may be lawful for the juſtices of the levy court of the county in which ſuch
n or perſons ſo dying, or refuſing to act, ſhall have reſided, from time to time to appoint a fit
roper perſon or perſons to fill the place of ſuch perſon or perſons dying or refuſing to act.

CHAP. XII.

ACT to ratify and make valid the ſales of land made by Daniel of Saint Thomas Jenifer, while agent for this ſtate. Lib. JG. No. 2. fol. 422.

Paſſed 30th of Dec. 1796.

WHEREAS Daniel of Saint Thomas Jenifer, while agent for this ſtate, ſold ſeveral tracts or parcels of land the property of ſaid ſtate: And whereas doubts have ariſen whether the purrs of ſaid lands can obtain complete titles under any exiſting law; Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That in all caſes of ſales made by the Daniel of Saint Thomas Jenifer, the chancellor ſhall be and he is hereby authoriſed and required, the application of the purchaſer or purchaſers thereof, or their heirs or aſſigns, to examine into tuation of ſuch ſale, and upon being ſatisfied that the applicant is entitled to the land claimed, hat the whole purchaſe money and intereſt hath been paid, to execute, on behalf of this ſtate, d of conveyance of all the ſtate's intereſt therein to ſuch perſon or perſons as ſhall be legally ed thereto. Chancellor to examine, &c.

CHAP. XIII.

CT for the relief of Benjamin Moreton, of Baltimore county. Lib. JG. No. 2. fol. 423. Private Act.

CHAP. XIV.

ACT to enable the veſtry of Chriſt Church pariſh, in Calvert ounty, to ſell and diſpoſe of certain lands therein mentioned. ib. JG. No. 2. fol. 424.

WHEREAS the veſtry of Chriſt Church pariſh, in Calvert county, by their petition to this geneal aſſembly have repreſented, that they now hold a tract of land called The Gore, which its preſent ſituation, but of little utility to the ſaid pariſh, and that if the ſaid lands could be the money ariſing from the ſale might be applied to beneficial purpoſes, in improving another of land held by the ſaid veſtry, and become the means of accommodating a paſtor in the ſame; fore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid veſtry, in their corporate city, are hereby authoriſed, after giving thirty days notice at the moſt public places in the ſaid ty, to ſell and diſpoſe of the ſaid tract of land called The Gore, with the appertenances, by ic ſale, either for ready money, or on ſuch credit as the ſaid veſtry may deem neceſſary in orto ſell the ſaid lands to the beſt advantage, and ſuch ſale ſo made, and evidenced by deed of ain and ſale, executed and acknowledged by the ſaid veſtry, or a majority of them, agreeably to aws of this ſtate, ſhall be good to all intents and purpoſes to convey all the right, and title and reſt, of the ſaid pariſh or veſtry, and their ſucceſſors, for ever, to ſuch bargainee or bargainees, their heirs, for ever. Veſtry may ſell land, &c.

II. AND BE IT ENACTED, That the ſaid veſtry are hereby authoriſed and required to apply the or ſums of money ariſing from the ſale aforeſaid to the purpoſes of erecting buildings, and augting the improvements on a certain tract of land called Charles's Gift, for the benefit of the ſaid ſh, now in the occupation of the ſaid veſtry. Apply the money, &c.

V. AND BE IT ENACTED, That before the ſaid veſtry ſhall proceed in the execution of the ority veſted in them by this act, they ſhall give bond to the ſtate of Maryland, in ſuch ſum and ſuch ſecurity as one or both of the aſſociate judges of the ſaid county court ſhall think proper pprove of, conditioned for the faithful performance of the authority and duties veſted in and imd on them by this act. Give bond to the ſtate, &c.

CHAP. XIV.

And propoſe a ſcheme, &c.

V. AND, whereas it is further repreſented by the ſaid veſtry, that their pariſh church is in an unfiniſhed ſtate, and that it is impracticable for them, by ordinary ſubſcription, to obtain a ſum adequate to the finiſhing the ſame, and pray they may be authoriſed, by lottery, to raiſe a ſmall ſum for the purpoſe aforeſaid; therefore, BE IT ENACTED, That it ſhall and may be lawful for the ſaid veſtry, or a majority of them, to propoſe a ſcheme of a lottery for raiſing ſuch ſum as may be neceſſary for ſaid purpoſes, provided the ſame do not exceed the ſum of one thouſand dollars, and to ſell and diſpoſe of the tickets therein, provided the ſaid veſtry, or a majority of them, ſhall, before the ſale of any ticket or tickets in ſaid lottery, give bond to the ſtate of Maryland, in the penalty of two thouſand dollars, conditioned, that they will well and truly apply the monies ariſing therefrom, within three months after the drawing thereof, to the payment of the prizes drawn by adventurers in the ſaid lottery, and the neceſſary expences incurred in the management thereof, and the reſidue to the finiſhing of their pariſh church, and in erecting buildings and augmenting the improvements on the ſaid tract of land called Charles's Gift, which the ſaid veſtry, or their ſucceſſors, are hereby authorized to direct and ſuperintend.

Bond to be lodged, &c.

VI. AND BE IT ENACTED, That the ſaid bond ſhall be lodged in the clerk's office of Calvert county, to be there recorded; and upon ſuch bond, or an office copy thereof, ſuit or ſuits may be inſtituted againſt the obligors therein, or any of them, or their or any of their legal repreſentatives, for any breach or non-compliance with the conditions of the ſame.

CHAP. XV.

Paſſed 30th of Dec. 1796.

An ACT for the benefit of Eleanor Shuman, widow of Peter Shuman, and her children. Lib. JG. No. 2. fol. 425. A Private Act.

CHAP. XVI.

An ACT to allow further time for collecting the balances due from Thomas O'Bryon, late ſheriff and collector of Queen-Anne's county, deceaſed. Lib. JG. No. 2. fol. 426.

Preamble.

* Chapter 20.

WHEREAS by an act of November ſeſſion, ſeventeen hundred and ninety-five, * the aforeſaid Thomas O'Bryon was authoriſed and empowered to collect the arrearages of taxes and officers fees due and owing to him, as ſheriff and collector aforeſaid, within a certain time limitted by the ſame act: And whereas the death of the aforeſaid Thomas O'Bryon has prevented ſaid collection, and it appearing reaſonable and juſt that further time ſhould be allowed to the ſecurities of the ſaid Thomas O'Bryon for the collection aforeſaid,

M. Hawkins, &c. to collect, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Matthew Hawkins, James O'Bryon, David Linſey, William Clayton, Edward Wright, John H. Downes, Henry Pratt, Robert Watſon and William Diamond, ſecurities of Thomas O'Bryon aforeſaid, or a majority of them, or the ſurvivors of them, be and they are hereby authoriſed and empowered to collect, on or before the firſt day of January, ſeventeen hundred and ninety-eight, all balances owing as aforeſaid to the ſaid deceaſed ſheriff and collector for the years ſeventeen hundred and ninety-three and ſeventeen hundred and ninety-four, in manner following, to wit: That the aforeſaid ſecurities, or ſuch perſon or perſons deputed by them, or a majority of them, or the ſurvivors of them, in the collection aforeſaid, ſhall, at leaſt thirty days before execution or diſtreſs of property for the arrearages aforeſaid, deliver to the perſon charged, or leave at his or her laſt place of abode, an account, ſtating the taxes, and the amount of fees due to the officers reſpectively, or ſuch part thereof as may be claimed as due, and the ſaid ſecurities, or a majority of them, or their agent, ſhall, if they be thereto required by the perſon ſo charged, make oath before a juſtice of the peace, that the ſaid account was taken faithfully and truly from the books or papers of the ſaid Thomas O'Bryon; and if the perſon or perſons owing ſuch taxes and officers fees ſhall neglect or refuſe to pay the ſame, it ſhall and may be lawful for the ſaid ſecurities, or a majority of them, or the ſurvivors of them, to collect the ſame by execution or diſtreſs of property of the perſon or perſons ſo refuſing or neglecting, and to ſell and diſpoſe thereof at public auction, at the expiration of ten days, excluſive of the day of ſeizure and day of ſale, after giving ten days notice, by advertiſement at the moſt public places of the neighbourhood, and at the court-houſe door of the county, of the day and hour of ſale.

Proviſo.

III. PROVIDED ALWAYS, AND BE IT ENACTED, That all the books, memorandums and entries of the ſaid ſheriff, and his deputies, in which his accounts as ſheriff and collector are ſtated and kept, ſhall be delivered by James O'Bryon, junior, his adminiſtrator, to the ſaid ſecurities, or a majority of them, on demand, and ſhall be depoſited in the hands of John Caradine, or ſuch perſon

ſecurities may direct, in Centre-Ville, to be freely inſpected and examined, without coſt or rges, by any perſon or perſons who ſhall apply for that purpoſe, in order to aſcertain any pay- ts that may have been made upon his, her or their account; and provided alſo, that the ſaid es O'Bryon, junior, before he ſhall deliver the ſaid books, memorandums and entries, to the ſaid rities, or a majority of them, ſhall make oath, before a juſtice of the peace for Queen-Anne's nty, that he the ſaid James O'Bryon, junior, as adminiſtrator of the ſaid Thomas O'Bryon, hath directly or indirectly, received any part or parcel of the money or tobacco which was due and able to the ſaid Thomas O'Bryon, as ſheriff and collector of Queen-Anne's county, nor any ſecu- or ſatisfaction for the ſame, more than he has credited in the ſaid books.

Commiſſion allowed.

V. AND BE IT ENACTED, That the ſaid ſecurities, and the ſurvivors of them, ſhall have the e commiſſion on the collection aforeſaid, as the ſaid ſheriff would have been entitled to, and that rrearages collected in virtue of this act ſhall be fairly applied to the diſcharge of the ſums due he ſecurities for the reſpective years in which the ſaid arrearages ought by law to have been ected.

Not to take away remedies, &c.

. AND BE IT ENACTED, That nothing in this act contained ſhall be conſtrued to take away or rive the reſpective debtors for taxes, other public dues and officers fees, of the ſame remedies ch they had againſt the original ſheriff and collector, in caſes where nothing is alleged to be due, he diſtreſs or execution are illegally conducted, but the ſame ſhall exiſt in full force and virtue nſt the ſaid ſecurities, and each of them.

CHAP. XVII.

Paſſed 30th of Dec. 1796.

ACT for eſtabliſhing a company for opening and extending the navigation of the river Pocomoke. Lib. JG. No. 2. fol. 428.

Preamble.

WHEREAS the extenſion of the navigation of Pocomoke river from Snow Hill to Mitchell's Bridge, and alſo as far as the diviſion line of the ſtates of Maryland and Delaware, will be great public utility, and many perſons are willing to ſubſcribe large ſums of money to effect ſo able and beneficial a work, and it being juſt and proper that they, their heirs and aſſigns, ſhould mpowered to receive, by way of toll, ſatisfaction for the money advanced by them in carrying work into execution, and the riſk they run; therefore,

Books to be opened, &c.

I. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful to open ks in Baltimore-town, the city of Annapolis, George-town, Eaſton, Cheſter-town, Cambridge, nceſs-Anne-town, Snow Hill-town, Elkton, Centre-Ville, Saliſbury, Denton, and a place called e Trap, in Worceſter county, for receiving and entering ſubſcriptions for the ſaid undertaking, er the management of David M'Mechen, Alexander M'Kim and Thorowgood Smith, or either hem, at Baltimore-town; Benjamin Harwood and James Thomas, or either of them, at the city Annapolis; William Hammond Dorſey, Guſtavus Scott and Daniel Reintzel, or either of them, George-town; David Kerr and John Erſkine, or either of them, at Eaſton; William Barroll and lliam Spencer, or either of them, at Cheſter-town; Joſiah Bayley and William Bond Martin, or er of them, at Cambridge; William Done and Ezekiel Haynie, or either of them, at Princeſs- ne-town; Samuel Handy and Levin Handy, or either of them, at Snow Hill-town; Lemuel Pur- l and William H. Nicholſon, or either of them, at Centre-Ville; Levi Hollingſworth and William ore, or either of them, at Elkton; Peter Daſhiell and William Gantt, or either of them, at iſbury; Joſhua Driver and Thomas Boone, or either of them, at Denton; and John P. Marſhall Stephen Purnell, or either of them, at a place called The Trap, as aforeſaid; which ſubſcrip- ns ſhall be made perſonally, or by power of attorney, and ſhall be made in current money of the ited States, but may be paid in foreign ſilver or gold coin of the ſame value; that the ſaid books ll be opened for receiving ſubſcriptions on the firſt day of May next, and continue open till the t day of Auguſt thereafter, and no longer, except the ſubſcription that may be opened at Eaſton, aforeſaid, which, if the whole capital hereafter mentioned ſhall not be ſubſcribed for at the places ve metioned, ſhall be kept open until the whole of the ſaid capital ſhall be ſubſcribed; and after ſaid firſt day of Auguſt, there ſhall be a general meeting of the ſubſcribers perſonally, or by ir agent or attorney, at Eaſton, on the Wedneſday after the ſecond Tueſday of September there- er, of which meeting notice ſhall be given by the ſaid managers, or any four of them, in one of Baltimore and the Eaſton and George-town news-papers, at leaſt one month next before the ſaid eting, and ſuch meeting ſhall and may be continued from day to day until the buſineſs is finiſhed; the acting managers at the time and place aforeſaid, ſhall lay before ſuch of the ſubſcribers as ll meet according to the ſaid notice, the books by them reſpectively kept, containing the ſtate of the

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the ſaid ſubſcriptions; and a juſt and true liſt of all the ſubſcribers, with the ſum ſubſcribed by each, ſhall be made out and returned by the ſaid managers, or any four or more of them, under their hands, into the general court of the eaſtern ſhore, to be there recorded, and in caſe more than eleven thouſand dollars ſhall be ſubſcribed, then the ſame ſhall be reduced to that ſum by the ſaid managers or a majority of them, by beginning at and ſtriking off a ſhare from the largeſt ſubſcription or ſubſcriptions, and continuing to ſtrike off a ſhare from all ſubſcriptions under the largeſt and above one ſhare, until the ſum is reduced to the aforeſaid capital, or until a ſhare is taken from all ſubſcriptions above one ſhare, and lots ſhall be drawn between ſubſcribers of equal ſums, to determine the numbers in which ſuch ſubſcribers ſhall ſtand on a liſt to be made for ſtriking off as aforeſaid, and if the ſum remaining ſtill exceeds the capital, then to ſtrike off by the ſame rule until the ſum ſubſcribed is reduced to the capital aforeſaid, or all ſubſcriptions are reduced to one ſhare, and if there ſtill be an exceſs, then lots to be drawn to determine the ſubſcribers who are to be excluded to reduce the ſubſcriptions to the capital aforeſaid, which ſtriking off ſhall be certified in the liſt aforeſaid; and the ſaid capital ſum ſhall be reckoned and divided into two hundred and twenty ſhares of fifty dollars each, of which every perſon ſubſcribing, and not excluded by the mode of ſtriking off as aforeſaid, ſhall have a right and be entitled to one or more whole ſhares ſo ſubſcribed for and aſcertained as aforeſaid.

Stockholders incorporated, &c.

III. AND BE IT ENACTED, That in caſe the capital aforeſaid ſhall be ſubſcribed as aforeſaid, the ſaid ſubſcribers, and their heirs and aſſigns, from the time of the ſaid firſt meeting, ſhall be, and are hereby declared to be, incorporated into a company, by the name of the Pocomoke Company, and may ſue and be ſued as ſuch; and ſuch of the ſaid ſubſcribers as ſhall be preſent at the ſaid meeting or a majority of them, are hereby empowered and required to elect a preſident and four directors, for conducting the ſaid undertaking, and managing all the ſaid company's buſineſs and concerns, for and during ſuch time, not exceeding three years, as the ſaid ſubſcribers, or a majority of them, ſhall think fit; and in counting the votes of all general meetings of the ſaid company, each proprietor ſhall be allowed one vote for every ſhare, as far as ten ſhares, and one vote for every five ſhares above ten, by him or her held at the time in the ſaid company, and any proprietor, by writing under his or her hand, executed before two witneſſes, may depute any other member or proprietor to vote and act as proxy for him or her at any general meeting.

Preſident, &c. may agree, &c.

IV. AND BE IT ENACTED, That the ſaid preſident and directors ſo elected, and their ſucceſſors or a majority of them aſſembled, ſhall have full power and authority to agree with any perſon or perſons, on behalf of the ſaid company, to cut ſuch canals, and erect ſuch locks, and perform ſuch other works, as they ſhall judge neceſſary for opening, improving and extending, the navigation of the ſaid river from Snow Hill to Mitchell's Bridge, and alſo as far as the diviſion line between the ſtates of Maryland and Delaware, if the ſaid preſident and directors ſhall deem it proper and expedient, and carrying on the ſame from place to place, and from time to time, and upon ſuch terms and in ſuch manner, as they ſhall think fit, and out of the money ariſing from the ſubſcriptions and the tolls, and other aids herein after given, to pay for the ſame, and to repair and keep in order the ſaid canals, locks, and other works neceſſary thereto, and to defray all incidental charges, and alſo to appoint a treaſurer, clerk, and ſuch other officers, toll-gatherers, managers and ſervants, as they ſhall judge requiſite, and to agree for and ſettle their reſpective wages or allowances, and to paſs and ſign their accounts, and alſo to make and eſtabliſh rules of proceeding, and to make ſuch by laws, rules and regulations, as may appear to them moſt conducive to the end propoſed by this act, and to tranſact all the other buſineſs and concerns of the ſaid company, in and during the intervals between the general meetings of the ſame, and they ſhall be allowed, as a ſatisfaction for their trouble therein, ſuch ſum of money as ſhall, by a general meeting of the ſubſcribers, be determined: provided always, that the treaſurer ſhall give bond, in ſuch penalty, and with ſuch ſecurity, as the ſaid preſident and directors, or a majority of them, ſhall direct, for the true and faithful diſcharge of the truſt repoſed in him; and that the allowance to be made to him for his ſervices ſhall not exceed three dollars in the hundred dollars for the diſburſements by him made; and that no officer in the ſaid company ſhall have any vote in the ſettlement or paſſing his own account.

And make and ſign orders, &c.

V. AND BE IT ENACTED, That the ſaid preſident and directors, and their ſucceſſors, or a majority of them, ſhall have full power and authority, in their diſcretion, from time to time, as money ſhall be wanted, to make and ſign orders for that purpoſe, and direct at what time and in what proportion the proprietors ſhall advance and pay off the ſums ſubſcribed, which orders ſhall be advertiſed at leaſt one month in one of the Baltimore and Eaſton papers, and they are hereby authoriſed and empowered to demand and receive of the ſeveral proprietors, from time to time, the ſums of money ſo ordered to be advanced for carrying on and executing, or repairing and keeping in order, the ſaid works,

ks, until the ſums ſubſcribed ſhall be fully paid, and to order the ſaid ſums to be depoſited into hands of the treaſurer, to be by him diſburſed and paid out as the ſaid preſident and directors, majority of them, ſhall order and direct; and if any of the ſaid proprietors ſhall refuſe or ne- to pay their ſaid proportions within one month after the ſame ſo ordered and advertiſed as eſaid, the ſaid preſident and directors, or a majority of them, may ſell at auction, and convey to purchaſer, the ſhare or ſhares of ſuch proprietors ſo refuſing or neglecting payment, giving at one month's notice of the ſale in one of the Baltimore and Eaſton news-papers, and after re- ing the ſum due and charges of ſale out of the money produced thereby, they ſhall refund and the overplus, if any, to the former owner; and if ſuch ſale ſhall not produce the full ſum order- nd directed to be advanced as aforeſaid, with the incidental charges, the ſaid preſident and di- ors, or a majority of them, may, in the name of the company, ſue for and recover the balance, ction of debt or on the caſe; and the ſaid purchaſer or purchaſers ſhall be ſubject to the ſame s and regulations as if the ſaid ſale and conveyance had been made by the original proprietor.

How vacancies are to be filled.

I. AND, to continue the ſucceſſion of the ſaid preſident and directors, and to keep up the ſame ber, BE IT ENACTED, That from time to time, upon the expiration of the ſaid term for which ſaid preſident and directors were appointed, the proprietors of the ſaid company, at the next eral meeting, ſhall either continue the ſaid preſident and directors, or any of them, or chooſe rs in their ſtead, and in caſe of the death, removal, reſignation or incapacity, of the ſaid preſi- t, or any of the ſaid directors, may and ſhall, in manner aforeſaid, elect any other perſon or per- to be preſident and directors in the room of him or them ſo dying, removing or reſigning, and at any of their general meetings remove the preſident, or any of the directors, and appoint rs for and during the remainder of the term for which ſuch perſon or perſons were at firſt to acted.

An oath to be taken.

II. AND BE IT ENACTED, That every preſident, director and treaſurer, before he acts as ſuch, take an oath, or affirmation, for the due execution of his office.

Attendance of proprietors of fifty ſhares neceſſary, &c.

III. AND BE IT ENACTED, That after the ſaid firſt meeting of the ſubſcribers at Eaſton as eſaid, the attendance of proprietors in perſon, or by proxy, having fifty ſhares at the leaſt, ſhall neceſſary to conſtitute a general meeting of the proprietors on the Wedneſday after the ſecond eſday of September in every year, at ſuch convenient town as ſhall be from time to time appoint- by the ſaid general meeting, but if a ſufficient number ſhould not attend on that day, the propriet- who do attend may adjourn the ſaid meeting from day to day till a general meeting of propriet- ſhall be had, which may be continued from day to day until the buſineſs of the company is finiſh- to which meeting the preſident and directors ſhall make report, and render diſtinct and juſt ac- nts of all their proceedings, and on finding them juſtly and fairly ſtated, the proprietors then pre- t, or a majority of them, ſhall give a certificate thereof, a duplicate of which ſhall be entered on ſaid company's books; and at ſuch yearly general meetings, after leaving in the hands of the ſurer ſuch ſum as the proprietors, or a majority of them, ſhall judge neceſſary for repairs and tingent charges, an equal dividend of all the net profits ariſing from the tolls hereby granted ſhall ordered and made to and among all the proprietors of the ſaid company, in proportion to their eral ſhares, and upon any emergency in the interval between the ſaid yearly meetings, the ſaid ſident, or a majority of the ſaid directors, may appoint a general meeting of the proprietors of ſaid company, at any convenient town, giving at leaſt one month's previous notice in one of the ltimore and Eaſton papers, which meeting may be adjourned and continued as aforeſaid.

Preſident, &c. may agree with the owners, &c.

IX. AND, whereas it is neceſſary for the making the ſaid canal, locks and other works, that a pro- ion ſhould be made for condemning a quantity of land for the purpoſe, BE IT ENACTED, That it ll and may be lawful for the ſaid preſident and directors, or a majority of them, to agree with the ners of any land through which the ſaid canal is intended to paſs, for the purchaſe thereof, and caſe of diſagreement, or in caſe the owner thereof ſhall be a *feme-covert*, under age, *non compos*, or t of the ſtate, on application to any two juſtices of the peace for the county in which ſuch land ll lie, the ſaid juſtices ſhall iſſue their warrant, under their hands, to the ſheriff of their county, ſummon a jury of twenty-four inhabitants of his county, of property and reputation, not related the parties, nor in any manner intereſted, to meet on the land to be valued at a day to be expreſ- d in the warrant, not leſs than ten nor more than twenty days thereafter; and the ſheriff, upon ceiving the ſaid warrant, ſhall forthwith ſummon the ſaid jury, and when met, ſhall adminiſter an th, or affirmation, to every juryman that ſhall appear, that he will faithfully, juſtly and impartially, lue the land, (not exceeding in any caſe the width of two hundred feet,) and all damages the ner thereof ſhall ſuſtain by cutting the canal through ſuch land, according to the beſt of his ſkill

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and judgment, and that in ſuch valuation he will not ſpare any perſon for favour or affection, no any perſon grieve for hatred, malice or ill will; and the inquiſition thereupon taken ſhall be ſigne by the ſheriff, and ſome twelve or more of the jury, and returned by the ſheriff to the clerk of h county, to be by him recorded; and upon every ſuch valuation the jury is hereby directed to deſcrib and aſcertain the bounds of the land by them valued, and their valuation ſhall be concluſive on a perſons, and ſhall be paid by ſuch preſident and directors to the owner of the land, or his legal re preſentatives, and on payment thereof, the ſaid company ſhall be ſeized in fee of ſuch land, as conveyed by the owner to them, and their ſucceſſors, by legal conveyance; provided nevertheleſs that if any further damage ſhall ariſe to any proprietor of land in conſequence of opening ſuch cana or in erecting ſuch works, than had been before conſidered and valued, it ſhall and may be lawful fo ſuch proprietor, as often as any ſuch new damage ſhall happen, by application to, and warrant from any two juſtices of the county where the lands lie, to have ſuch further damage valued by a jury i like manner, and to receive and recover the ſame of the ſaid preſident and directors; but nothing herein contained ſhall be taken or conſtrued to entitle the proprietor of any ſuch land to recove compenſation for any damages which may happen to any mills, forges, or other works or improve ments, which ſhall be begun or erected by ſuch proprietor after ſuch firſt valuation, unleſs the ſame damage is wilfully or maliciouſly done by the ſaid preſident and directors, or ſome perſon by thei authority.

And with the proprietors, &c.

X. AND BE IT ENACTED, That the ſaid preſident and directors, or a majority of them, are here by authoriſed to agree with the proprietors for the purchaſe of a quantity of land, not exceeding one acre, at or near the place or places of receipt of tolls, for the purpoſe of erecting neceſſary build ings, and in caſe of diſagreement, or any of the diſabilities aforeſaid, or the proprietor being out o the ſtate, then ſuch land may be valued, condemned and paid for as aforeſaid, for the purpoſe afore ſaid; and the ſaid company ſhall, upon payment of the valuation of the ſaid land, be ſeized thereo in fee-ſimple as aforeſaid.

Water not to be uſed, &c.

XI. AND, whereas ſome of the places through which it may be neceſſary to conduct the ſaid ca nals may be convenient for erecting mills, forges or other water-works, and the perſons, poſſeſſors o ſuch ſituation, may deſign to improve the ſame, and it is the intention of this act not to interfere with private property but for the purpoſe of improving and perfecting the ſaid navigation, BE I ENACTED, That the water, or any part thereof, conveyed through any canal or cut made by the ſaid company, ſhall not be uſed for any purpoſe but navigation, unleſs the conſent of the proprietors o the land through which the ſame ſhall be led be firſt had; and the ſaid preſident and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done to anſwer both the purpoſes of navigation and water-works aforeſaid, to enter into reaſonable agreements with the proprietors of ſuch ſituation, concerning the juſt proportion of the expences of making large ca nals or cuts, capable of carrying ſuch quantities of water as may be ſufficient for the purpoſes of navigation, and alſo for any ſuch water-works as aforeſaid.

Proprietors may transfer, &c.

XII. AND BE IT ENACTED, That it ſhall and may be lawful for every of the ſaid proprietors to transfer his ſhare or ſhares by deed executed before two witneſſes, and regiſtered, after proof of the execution thereof, in the ſaid company's books, and not otherwiſe, except by deviſe, which deviſe ſhall alſo be exhibited to the preſident and directors, and regiſtered in the company's books, before the deviſee or deviſees ſhall be entitled to draw any part of the profits from the ſaid tolls; provided that no transfer whatever ſhall be made, except for one or more whole ſhare or ſhares, and not for part of ſuch ſhares, and that no ſhare ſhall at any time be ſold, conveyed, transferred, or held in truſt, for the uſe and benefit, or in the name of another, whereby the ſaid preſident and directors, or proprietors of the ſaid company, or any of them, ſhall or may be challenged, or made to anſwer concerning any ſuch truſt, but that every perſon appearing as aforeſaid to be a proprietor ſhall, as to the others of the ſaid company, be to every intent taken abſolutely as ſuch, but as between any truſtee and the perſon for whoſe benefit any truſt ſhall be created, the common remedy may be purſued.

Preſident, &c. to receive ſubſcriptions, &c.

XIII. AND, whereas it hath been repreſented to this general aſſembly, that ſundry perſons are willing and deſirous, on account of the great public advantages, and the improvements their eſtates may receive thereby, to promote and contribute towards ſo uſeful an undertaking, and to ſubſcribe ſums of money towards the completing the ſaid works and carrying them into execution, but do not care to run any riſk, or deſire to have any property therein; therefore, BE IT ENACTED, That the ſaid preſident and directors ſhall be and are hereby empowered to receive and take in ſubſcriptions for the purpoſes aforeſaid, and it is the true intent and meaning of this act, that it ſhall and may be lawful for the ſaid preſident and directors, or a majority of them, in caſe of refuſal or neglect of payment,

ent, in the name of the company as aforesaid, to sue for and recover of the said subscribers, heirs, executors or administrators, the sums by them respectively subscribed, by action of debt, on the case, in any court of record within this state.

Capital may be increased, &c.

V. AND BE IT ENACTED, That if the said capital and said aids shall prove insufficient, it shall may be lawful for the said company, from time to time, to increase the said capital, by the addi- of so many more whole shares as shall be judged necessary by the said proprietors, or a majority em holding at least one hundred shares, present at any general meeting of the said company; he said president and directors, or a majority of them, are hereby empowered and required, af- iving at least one month's previous notice in one of the Baltimore and Easton papers, to open in the before-mentioned places for receiving and entering such additional subscriptions, in n the proprietors of the said company, for the time being, shall and are hereby declared to have reference of all others for the first thirty days after the said books shall be opened as aforesaid, king and subscribing for so many whole shares as any of them shall choose; and the said president directors are hereby required to observe in all other respects the same rules therein, as are by act prescribed for receiving and adjusting the first subscriptions, and in like manner to return, the hands of any three or more of them, an exact list of such additional subscribers, with the by them respectively subscribed, into the general court of the eastern shore as aforesaid, to be recorded, and all proprietors of such additional shares shall and are hereby declared to be from eforward incorporated into the said company.

Works, &c. vested in the proprietors, &c.

. AND BE IT ENACTED, That in consideration of the expences the said proprietors shall be at ening the said river, and improving and extending the navigation thereof, and in keeping the in repair, the said works and canals, with all their profits, shall be and the same are hereby in the said proprietors, their heirs and assigns, for ever, as tenants in common, in proportion ir respective shares, and the same shall be deemed real estate, and be for ever exempt from the nt of any tax, imposition or assessment whatsoever; and that it shall and may be lawful for the resident and directors, at all times for ever hereafter, to demand and receive, at such place or s on the said river or canal as they shall hereafter adjudge and determine to be most convenient ll merchandise and commodities conveyed through the whole extent of said canal or river, ac- ng to the following table and rates, to wit: Every pipe or hogshead of wine containing more sixty-five gallons, fifty cents; every hogshead of rum, or other spirits or cider, fifty cents; hogshead of tobacco, fifty cents; every cask between sixty-five and thirty-five gallons, one half pipe or hogshead; barrels, one fourth part, and smaller casks or kegs in proportion, according e quality and quantity of their contents of wine, cider or spirits; for every cask of linseed oil ame as spirits; every bushel of wheat, peas, beans or flax-seed, two cents; every bushel of In- corn, or other grain or salt, one cent; every barrel of pork, twenty-five cents; every barrel of twenty-five cents; every barrel of flour, twenty-five cents; every ton of hemp, flax, potash, r manufactured iron, twenty-five cents; every ton of pig iron or castings, twenty-five cents; ton of copper, lead, or other ore, other than iron ore, fifty cents; every ton of stone, or iron twelve and a half cents; every hundred bushels of lime, twenty-five cents; every chaldron of , twelve and a half cents; every hundred pipe staves, twenty cents; every hundred hogsheads s, or pipe or hogshead heading, twelve and a half cents; every hundred barrel staves, or barrel ing, five cents; every hundred cubic feet of plank or scantling, twenty-five cents; every hun- cubic feet of other timber, twenty-five cents; every gross hundred weight of all other commo- s or packages, four cents; every cord of wood, three cents; every thousand three feet shingles, e cents; every thousand of every other kind of shingles, three cents; and every empty boat or l which has not commodities on board to yield so much, except an empty boat or vessel return- whose load has already paid the toll aforesaid, in which case she is to repass toll free, fifty s; and that the said rates, under the limitations aforesaid, shall be collected at such places and uch proportions, at the said respective places, as the president and directors of the same com- , or a majority of them, may from time to time determine, and that the said tolls be rated and in current money of the United States, or may be discharged in foreign gold and silver of equal e.

Books to be open.

VI. AND BE IT ENACTED, That the books of the said company shall always be open to the in- tion of the general assembly of Maryland, or of any person or persons to be appointed by them hat purpose.

Tolls granted on condition, &c.

VII. AND BE IT ENACTED, That the tolls herein before allowed to be demanded and received, granted and shall be payable on condition only that the said Pocomoke company shall make the

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river or canal well capable of being navigated, except in dry ſeaſons, from Snow Hill to Mitche Bridge, by veſſels and rafts drawing one foot water at the leaſt.

Work to be begun within three years, &c.

XVIII. AND BE IT ENACTED, That in caſe the ſaid company ſhall not begin the ſaid work wit three years after the company ſhall be formed, that then the ſaid company ſhall not be entitled to benefit, privilege or advantage under this act; and in caſe the ſaid company ſhall not complete navigation from Snow Hill to Mitchell's Bridge within ten years after the ſaid company ſhall formed, then ſhall all intereſt of the ſaid company, and all preference in their favour, as to navigation and tolls at, to, through and from Snow Hill to Mitchell's Bridge, or through any o part of the ſaid river or canal, be forfeited and ceaſe.

Wears, &c. deemed nuiſances, &c.

XIX. AND, whereas wears may be erected in and upon the ſaid river or canal, when cut, trees may be fallen in and acroſs the ſaid river or canal, and other obſtructions made therein, to great injury of the navigation of the ſaid river or canal, BE IT ENACTED, That all wears here to be made in the ſaid river or canal, and all trees or other obſtructions now acroſs any part of ſaid river or canal, ſo as to ſtop the paſſage of any veſſel, raft or timber, ſhall be deemed and hereby declared nuiſances, and the ſame may be removed and deſtroyed by the ſaid preſident directors, or any of them.

No perſon to put or place any wear, &c.

XX. AND BE IT ENACTED, That no perſon or perſons, unleſs with the conſent of the ſaid pr dent and directors, ſhall hereafter put, place or make, any wear, or fall any tree or trees, in acroſs the ſaid river or canal aforeſaid, ſo as to ſtop the paſſage of any veſſel, raft or timber, as caſe may be, any where in the ſaid river or canal, under the penalty of ten pounds current mo for every ſuch offence, to be recovered by action of debt, in the name of the Pocomoke c pany, to be brought in the county court of the county in which the offence may be commit one half to the informer, or perſon who will ſue for or proſecute to effect for the ſame, and other half to the uſe of the ſaid Pocomoke company, to be applied towards the improvement the navigation of the ſaid river or canal, to be cut as aforeſaid between Snow Hill and Mitch Bridge.

Preſident, &c. may demand tolls, &c.

XXI. AND, whereas part of the ſaid river or canal may be navigated by veſſels and rafts be the expiration of the time limitted for the completion of the ſaid works, and before the whole ex of the ſaid river or canal from Snow Hill to Mitchell's Bridge, or to the diviſion line aforeſaid made navigable: And whereas it is reaſonable that the ſaid company ſhould receive tolls from t that make uſe of the part of the river or canal ſo cleared, and as the ſame will aſſiſt in effecting above laudable undertaking, therefore, BE IT ENACTED, That it ſhall and may be lawful for ſaid preſident and directors, immediately after the formation of the ſaid company, to demand receive, at ſuch place or places on the ſaid river or canal as they ſhall hereafter adjudge and de mine to be moſt convenient, for all merchandiſe and commodities brought down and carried up part of the ſaid river or canal from Snow Hill to Mitchell's Bridge, or the diviſion line afore tolls according to the foregoing table and rates.

Proviſo.

XXII. PROVIDED ALWAYS, That if the ſaid company ſhall not complete the navigation of ſaid river or canal as aforeſaid, from Snow Hill to Mitchell's Bridge, within ten years after the company ſhall be formed, then all intereſt of the ſaid company, and all preference in their favour any part of the ſaid navigation and tolls, on any kind of articles or commodities carried up brought down any part of the ſaid river or canal from Snow Hill to Mitchell's Bridge, or to diviſion line aforeſaid, ſhall from thenceforth be forfeited and ceaſe.

Directors may propoſe any ſcheme, &c.

XXIII. AND, whereas found policy requires that the laudable deſign of thoſe who may beco adventurers in the aforeſaid company ſhould be patroniſed by legiſlative ſanction, BE IT ENACT That in caſe a ſufficient ſum of money ſhall not be raiſed in manner aforeſaid, for the purpoſe completing the works above mentioned, that it ſhall and may be lawful for the ſaid directors of Pocomoke company, or a majority of them, to propoſe any ſcheme or ſchemes of a lottery for raiſing a ſum of money not exceeding fifteen thouſand dollars, and to ſell and diſpoſe of the tick therein; provided the ſaid directors, or a majority of them, ſhall, before the ſale or diſpoſal of ticket or tickets in ſuch lottery, give bond to the ſtate of Maryland, in the penalty of fifteen th ſand dollars, conditioned, that they will well and truly apply the monies ariſing therefrom, wit two months after the drawing thereof, to the payment of the prizes drawn by the fortunate adven rers in the ſaid lottery, upon application being made by him, her or them, for the ſame, and neceſſary expences incurred in the management thereof, and the reſidue to the uſes of the compa

ch manner and to such purposes as the said directors ought to apply the monies arising from the criptions of the said company to carry into effect the provisions of this act.

Bond to be lodged, &c.

XIV. AND BE IT ENACTED, That the said bond shall be lodged in the clerk's office of the ty court of Worcester, to be by him recorded, and when recorded, a copy of such bond, under and of the said clerk, shall be good evidence in an action of debt against the said obligors, or of them, their or either of their heirs, executors or administrators, brought in the name of the for the use of any person concerned, for any breach or non-compliance with the condition of ame.

Proviso.

XV. PROVIDED NEVERTHELESS, AND BE IT ENACTED, That nothing in this act contained shall rise the said directors to hold such lottery, or sell or dispose of any ticket or tickets for the unless the said directors, or a majority of them shall first take an oath or affirmation, before justice of the peace of the county of Worcester, that they will honestly demean themselves as gers and judges of the said lottery, and that they will faithfully render unto the fortunate adrers their respective prizes, and a certificate of such oath shall be returned, with the bond aforeto the county clerk's office, under the seal of the justice who shall have administered the same.

River, &c. esteemed a highway, &c.

XVI. AND BE IT ENACTED, That the said river, and the works erected thereon in virtue of ct, when completed, shall for ever thereafter be esteemed and taken to be navigable as a public way, free for the transportation of all goods, commodities or produce whatsoever, upon payment e tolls imposed by this act, and no other toll or tax whatever for the use of the water of the said and the works thereon erected, shall at any time hereafter be imposed by the said company, ent and directors, unless with the consent of the legislature of this state; and provided always, he same shall be subject to such further regulations by the legislature as they shall deem expe- in order to prevent imposition by the said president and directors, or to prevent fraud in ng the payment of tolls imposed on all articles or commodities carried up or down any part of id river or canal from Snow Hill to Mitchell's Bridge as aforesaid, or the division line aforesaid.

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Passed 30th of Dec. 1796. * 1794, ch. 23.

Supplement to the act, * entitled, An act to erect a town in Queen-Anne's county. Lib. JG. No. 2. fol. 440.

How vacancies are to be filled.

IT ENACTED, *by the General Assembly of Maryland*, That upon the death, resignation or disqualification, of any of the commissioners of the town of Centre-Ville, appointed by the act to h this act is a supplement, or which hereafter may be appointed in consequence of this act, the ncy shall be filled by the remaining commissioners, who shall immediately proceed to the election wise, discreet person, residing within the limits of the said town, whose office, as a commisr, shall be vacated by his removal from the town.

Commissioners to take an oath, &c.

AND BE IT ENACTED, That the commissioners formerly appointed by the aforesaid act, within month after the present session, and every commissioner appointed in virtue of this act, before he eeds to act as such, shall make oath, or affirmation, as the case may be, before any justice of the e for the county aforesaid, that he will diligently and faithfully, to the best of his judgment, form the duties of a commissioner of the said town, agreeably to the directions of this act, and act to which this is a supplement, without favour, partiality or prejudice; and a certificate of qualification shall be made and returned by such justice of the peace to said commissioners, to be and recorded among their proceedings.

And meet annually, &c.

II. AND BE IT ENACTED, That the said commissioners shall meet annually at the court-house in said town on the first Monday in April, and on the first Monday in every third month thereafter, as much oftener as occasion may require, and when so assembled, the said commissioners shall be they are hereby authorised to cause to be removed all nuisances and obstructions that may inter- the passage, or injure the health, of the said inhabitants, or others, in the streets, lanes and ys, of the said town; to appoint and qualify a clerk, whose duty it shall be to keep fair and faith- minutes of their proceedings, in proper and well bound books to be provided by them for that pose; to cause a just and fair assessment and valuation of all the real property within the limits of said town to be made and returned, annually, between the first day of April and the first day of y, by the clerk to be appointed as aforesaid, and to impose and levy on the property so directed e assessed and valued, such sum or sums of money, in just and fair proportions, according to the uation aforesaid, as the commissioners shall deem necessary for the improvement of the said town,

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provided that the whole of the ſaid ſum or ſums of money, ſo levied as aforeſaid, ſhall not exce in any one year, the ſum of thirty pounds current money; to appoint and qualify an active and d creet perſon to be bailiff to the ſaid town, and to give him ſuch directions in the execution of h office as ſhall be neceſſary to accompliſh the objects of this act; to pay the clerk and bailiff of ſa town reſpectively a reaſonable allowance for their ſervices; and generally to order and promote ſu regulations and improvements for the benefit of the ſaid town, as the ſaid commiſſioners ſhall de mine to be neceſſary.

Clerk, &c. to take an oath, &c.

IV. AND BE IT ENACTED, That the clerk and the bailiff of the ſaid town ſhall, before they p ceed to execute their reſpective offices, make oath, or affirmation, as the caſe may be, before the ſa commiſſioners, or any one of them, that they will faithfully and impartially perform the duties quired of them by this act, as clerk and bailiff of the ſaid town, according to the beſt of their ſk and judgment, and without favour, partiality or prejudice; and the duties of the ſaid bailiff ſhall to attend the meetings of the ſaid commiſſioners whenever he ſhall be required; to perform ſuch ſe vices for more effectually accompliſhing the objects of this act as the ſaid commiſſioners ſhall direc to prevent the tumultuous and irregular meetings of ſlaves and negroes, within the limits of t ſaid town, or if ſo aſſembled, to diſperſe them by reaſonable and lawful means, and to puniſh, moderate correction, under ſuch rules and regulations as ſhall be preſcribed by the ſaid commiſſione all ſuch negroes or other ſlaves as ſhall be found wandering or ſtrolling about the ſtreets in the nig time; and generally to exerciſe all the powers of, and to act as, a conſtable within the limits of t ſaid town.

Commiſſioners to chooſe a ſpot, &c.

V. AND, whereas the inhabitants of the ſaid town, and others, have made liberal ſubſcriptio for the erection of a market-houſe in the ſaid town, and it is thought that the eſtabliſhment of market, under proper regulations, would contribute greatly to the convenience and accommodat of the inhabitants of the ſaid town, as well as to the emolument of the neighbourhood, BE ENACTED, That the ſaid commiſſioners may and they are hereby authoriſed to chooſe and fix on ſo proper and convenient ſpot, on the public ground behind the court-houſe of ſaid county, or on ſo other convenient place not on the public ground, at the diſcretion of the commiſſioners, provid the conſent of the proprietor or proprietors of the ſaid place be firſt had and obtained, for t erection of a market-houſe, and to cauſe to be erected thereon a good and ſufficient mark houſe.

Market-days ſet apart, &c.

VI. AND BE IT ENACTED, That from and after one month after the ſaid market-houſe ſhall finiſhed, the Wedneſday and Saturday of each week ſhall be ſet apart as market-days for the ſa town, ſubject however to be changed by the ſaid commiſſioners; and that all proviſions whatſoe brought to the ſaid town for ſale, after the market-days are ſet apart aforeſaid, ſhall be taken carried to the market-houſe of the ſaid town, and there be ſold, or offered for ſale, at the mark hours, which are hereby eſtabliſhed to be from any time in the morning till twelve at noon; provi always, that this act ſhall not extend to prevent fiſh, oyſters, and cooked proviſions, beef by t quarter or larger quantity, or pork by the hog or hogs, or any kind of grain, flour and bread, butter in firkins, or other veſſels exceeding twenty pounds net weight, or cheeſe, beef and pork barrels or larger caſks, live cattle, ſheep and hogs, reſpectively brought to the ſaid town, from be ſold, bartered, or otherwiſe diſpoſed of, as if this act had not been paſſed.

Penalty for ſelling out of market, &c.

VII. AND BE IT ENACTED, That if any free perſon ſhall preſume to ſell, or cauſe to be ſol any articles of proviſion in the ſaid town, or within two miles thereof, except the articles here before provided for, either on the ſtated market-days aforeſaid, or on any other days during the ti of the market-hours, at any place whatſoever but in the ſaid market-houſe, the perſon buying a the perſon ſelling, by themſelves or others, ſhall forfeit and pay each the ſum of thirty ſhillings cu rent money for every ſuch offence; provided always, that this clauſe ſhall not extend to prevent a perſon reſiding within two miles of the ſaid town from ſelling any articles of proviſion at the pla of their actual reſidence.

And for ſlaughtering in the market-houſe, &c.

VIII. AND BE IT ENACTED, That if any perſon or perſons ſhall preſume to ſlaughter or butch any kind of cattle, ſheep or hogs, in or near the ſaid market-houſe, after its erection, or cauſe th ſame to be done, or if any perſon or perſons ſhall put, or cauſe to be put, any horſe, mare or gel ing, or any cart, or waggon or other carriage, into or under the ſaid market-houſe, on any preten whatſoever, every perſon ſo offending ſhall forfeit and pay the ſum of fifteen ſhillings for every ſuc offence.

IX. A

A clerk to be appointed, &c.

X. AND BE IT ENACTED, That the commiſſioners aforeſaid ſhall, within one month after the tion of the ſaid market-houſe, appoint a perſon of good repute to be clerk of the ſaid market, ſhall, before he proceeds to act as ſuch, make oath, or affirmation, as the caſe may be, before ſaid commiſſioners, or any one of them, that he will diligently and faithfully, according to the of his ſkill and judgment, execute and perform the ſeveral duties of clerk of the ſaid market, out favour, partiality or prejudice.

Market-houſe veſted, &c.

. AND BE IT ENACTED, That the market-houſe aforeſaid, with the ſtalls and ſhambles thereof, be and they hereby are veſted in the commiſſioners heretofore appointed, and to be appointed in e of this act, for the uſe and in truſt for the inhabitants of ſaid town; and the clerk of the et ſhall have full power, under the direction of the ſaid commiſſioners, to rent and hire out the ſtalls and ſhambles, and ſhall keep a fair and juſt account, as well of the perſons renting, as of profits ariſing from ſuch rents, and ſhall render duplicates of ſuch accounts to the ſaid commiſ- rs annually, on the firſt Monday of April, or oftener if required; and the ſaid rents and profits be paid to the order of the ſaid commiſſioners, and ſhall be applied to the uſes directed by this and the ſaid clerk ſhall have a reaſonable compenſation for his ſervices, to be aſcertained by the commiſſioners; and the ſaid clerk ſhall have ſufficient power and authority to take charge of the market-houſe, and of the market thereof, and to examine and inſpect the victuals and proviſions ght thereto for ſale, and if any ſhall be found unſound or unwholeſome, to ſeize and deſtroy the , and to examine and try the weight of any butter brought to the ſaid market, and if the ſame not be found of the weight pretended by the perſon offering the ſame for ſale, to ſeize the ſaid r, and to expoſe it to public ſale, and alſo to try the weights, ſcales and meaſures, uſed at the narket, by the ſtandard of the county, and if any weights or meaſures ſhall be falſe or untrue, ze the ſame, and, on a juſt alteration thereof, to diſpoſe of the ſame to the higheſt bidder, and ount for the money ariſing from thoſe ſales with the ſaid commiſſioners.

Penalty for ſelling wine, &c.

. AND BE IT ENACTED, That no perſon or perſons whatſoever, from and after the firſt day of next, ſhall preſume to ſell, barter or exchange, any wine, rum, brandy, whiſky, or other diſ- ſpirituous liquors, on the public ground, or at any place within the limits of the ſaid town, r a penalty of twenty ſhillings for every offence; provided always, that nothing herein contain- all be deemed or taken in any manner to interfere with boarding-houſes, licenſed ordinary keep- or retailers of ſpirituous liquors, actually reſiding within the ſaid town.

A wood-corder to be appointed, &c.

I. AND BE IT ENACTED, That the ſaid commiſſioners ſhall appoint a perſon of good repute to ood-corder of all firewood brought to the ſaid town for ſale, who, before he proceeds to act as ſhall make oath, or affirmation, as the caſe may be, that he will, according to the beſt of his and judgment, perform the duties of a wood-corder in the ſaid town, without favour, partiality rejudice; and that from and after the firſt day of September next, all firewood brought to the for ſale, ſhall be ſet up, corded and meaſured by the wood-corder appointed as aforeſaid; and each cord of wood ſhall be eight feet in length, four feet in width, four feet in height, and cloſe d and well packed; and that the ſaid wood-corder, for his trouble in cording the ſame, ſhall and receive the ſum of ten cents, one half thereof to be paid by the buyer, and the other half he ſeller.

Penalty for neglecting to have wood corded, &c.

II. AND BE IT ENACTED, That if any perſon ſhall purchaſe or buy any firewood brought to ſaid town, and ſhall neglect or refuſe to have the ſame corded and meaſured by the wood-corder inted in purſuance of this act, ſuch perſon ſhall forfeit and pay the ſum of five ſhillings current ey for every cord ſo purchaſed and bought, or which he ſhall refuſe or omit to requeſt the ſaid er to cord, in purſuance of this act; and the ſaid wood-corder ſhall cord and meaſure all ſuch vood as he ſhall be required to cord and meaſure, when reaſonably requeſted thereto, under the lty of ten ſhillings for every ſuch neglect or refuſal.

Geeſe, &c. may be ſeized, &c.

IV. AND BE IT ENACTED, That it ſhall not be lawful for any perſon or perſons to ſuffer to run arge within the limits of the ſaid town any gooſe, geeſe or ſwine; and if any gooſe, geeſe or e, ſhall be found running at large within the limits of the ſaid town, it ſhall be lawful for the iff of the ſaid town, or of any other perſon or perſons belonging to the ſaid town in caſe of his nce, and they are hereby authoriſed and empowered, to ſeize all and every ſuch gooſe, or geeſe ſwine, and to impound the ſame; and the ſaid bailiff ſhall immediately, by public advertiſement, notice of the impounding of ſuch gooſe, geeſe or ſwine, and if the owner or owners ſhall not, in three days thereafter, pay to the ſaid bailiff for every day of the impounding of any gooſe ſum of one ſhilling current money, and for every day of impounding any ſwine the ſum of three

ſhillings

CHAP. XVIII.

ſhillings and nine-pence current money, it ſhall and may be lawful for ſuch bailiff to ſell the ſame public ſale, and to pay the balance to ſuch owner or owners, after deducting three ſhillings for eve gooſe, and eleven ſhillings and three-pence for every ſwine, ſo impounded as aforeſaid, all and eve of which ſum or ſums of money ſhall be paid by the bailiff to the commiſſioners of the ſaid town, the uſe of the ſaid town.

How penalties, &c. are to be recovered, &c.

XV. AND BE IT ENACTED, That all the penalties, fines and forfeitures, which may be incurr by any perſon or perſons in virtue of this act, and all other monies ariſing in virtue of this act, ſh be recovered, by and in the name of the ſaid commiſſioners, before a ſingle magiſtrate, as in caſe ſmall debts, and the ſaid penalties, fines and forfeitures, and all other monies ariſing in conſequen of this act, ſhall be appropriated by the ſaid commiſſioners to the uſe and benefit of the ſaid tow in ſuch manner, and at ſuch times, as the ſaid commiſſioners ſhall judge proper.

A majority neceſſary, &c.

XVI. AND BE IT ENACTED, That not leſs than a majority of the whole commiſſioners for the ti being ſhall be ſufficient to conſtitute a board for the tranſacting of any buſineſs, except that of adjour ment; and the ſaid commiſſioners ſhall have full power and authority to remove any of the officers a pointed in virtue of this act at any time they may think proper, and to appoint others in their place

General iſſue pleadable, &c.

XVII. AND BE IT ENACTED, That if any ſuit or action be commenced againſt any perſon or pe ſons for any thing done in purſuance of this act, ſuch perſon or perſons may plead the general iſſ and give this act in evidence, any law, cuſtom or uſage, to the contrary notwithſtanding.

CHAP. XIX.

Paſſed 30th of Dec. 1796.

An ACT to authoriſe and empower the preſident and directors o the Patowmack company to contract the breadth of the locks a the Great Falls of Patowmack. Lib. JG. No. 2. fol. 445.

Preamble.

WHEREAS by an act of the general aſſembly, paſſed November ſeſſion, one thouſand ſeve hundred and eighty-four, * entitled, An act for eſtabliſhing a company for opening and e tending the navigation of the river Patowmack, it is, amongſt other things, provided, that the to therein eſtabliſhed ſhall be payable only on condition the ſaid Patowmack company ſhall make the r ver well capable of being navigated, in dry ſeaſons, from Payne's Falls to the Great Falls, by ve ſels drawing one foot water, and from the Great Falls to tide water, and ſhall, at or near the Gre Falls, make a cut or canal twenty-five feet wide, and four feet deep, with ſufficient locks, if nec ſary, each of eighty feet in length, ſixteen feet in breadth, and capable of conveying veſſels or r drawing four feet water at the leaſt: And whereas it is repreſented to this general aſſembly, by t preſident and directors of the Patowmack company, that the breadth of the locks as above direct is unneceſſarily great, and that the contraction of the ſame to the breadth of fourteen feet wou render the ſaid locks more complete, and conſiderably leſſen the expence of finiſhing the ſame;

* Chapter 33.

Preſident, &c. may contract the locks, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the preſident and directors of t ſaid Patowmack company, or a majority of them, be and they are hereby authoriſed and empower to contract the locks at the Great Falls of Patowmack to any breadth they may think proper, pr vided the ſame be not of leſs breadth than fourteen feet; and that when the ſaid locks are complete of the breadth hereby authoriſed, the ſaid company be entitled to all the tolls, benefits and adva tages therefrom, which by law they would be, provided the ſaid locks had been completed of t breadth of ſixteen feet, any thing in any act to the contrary nowithſtanding.

CHAP. XX.

A Further ſupplement to the act, (a) entitled, An act for the eſtabliſhment of ſelect veſtries. Li JG. No. 2. fol. 446.

(a) March, 1779, ch. 9.
Repealed, with the principal act, by 1798, ch. 24.

CHAP. XXI.

An ACT to prevent the exportation of flour, not merchantable, an unſound ſalted proviſions, from the port of Havre-de-Grace. Lib JG. No. 2. fol. 447.

Preamble.

WHEREAS the town of Havre-de-Grace, by ſeveral acts of congreſs, has been erected into port of entry and delivery, and regulations are neceſſary to prevent the exportation unmerchantable flour, and damaged proviſions; therefore,

II. B

CHAP. XXI.

Commissioners to meet, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That the commissioners of the town of re-de-Grace, or the major part of them, shall meet at some convenient place in said port be- n the first and twentieth day of July next, and between the first and twentieth day of July y and every year thereafter, during the continuance of this act, and then and there nominate ppoint a person of good repute, and skilled in the goodness and quality of flour, to be inspector ur within the port for the year ensuing.

And take an oath, &c.

. AND BE IT ENACTED, That every commissioner of said town who shall vote for said officer, take the following oath, or affirmation if a quaker, before he shall proceed to the nomination ppointment of the said officer: "I, A. B. do swear, or affirm, that I will faithfully, honestly impartially, nominate and appoint such person to be inspector of flour within the port of vre-de-Grace as I think in my judgment and conscience is fit and capable of executing the said ce;" and in case of the death, refusal, or the neglect to act, of such officer so appointed, the said iissioners, or a major part of them, shall, as soon as may be thereafter, meet together and ap- one other such person as aforesaid, in the stead of the person so dead, refusing or neglect, to r the residue of the year; and if the said commissioners shall neglect and omit to nominate and nt the said officer as aforesaid, then the governor and council may appoint such officer, who be qualified agreeably to the directions of this act, and have the like power and authority as if d been nominated and appointed by the said commissioners.

Inspector to take an oath, &c.

. AND BE IT ENACTED, That every inspector of flour who shall be nominated and appointed resaid, shall, before his executing any of the duties of said office, take the oath, or make the tion if a quaker, before a justice of the peace of Harford county, which is prescribed to be and made by every inspector of flour in and by the sixteenth section of the act passed at nber session, seventeen hundred and eighty-one, * entitled, An act to prevent the exporta- f bread and flour not merchantable, and for other purposes, and also the oaths to govern- which are prescribed by the constitution; and the said inspector of the port of Havre-de- e shall have the same allowance for the inspection of flour as by the said act is appointed and ded.

* Chapter 12.

Sections, &c. extended, &c.

. AND BE IT ENACTED, That all and singular the sections, clauses, provisions and penalties, in ise relating to the inspection of flour, and examination of casks, which are contained in the ct, (a) entitled, An act to prevent the exportation of bread and flour not merchantable, and her purposes, be and they are hereby extended to the port of Havre-de-Grace, and to the regu- n of the inspection of flour within said port, in as full and ample a manner as if the same had herein particularly specified and mentioned.

(a) November, 1781, ch. 12.

Commissioners to meet, &c.

. AND BE IT ENACTED, That the said commissioners of the town of Havre-de-Grace, or the part of them, shall meet at some convenient place within said town between the fifteenth and eth day of March next, and between the same days yearly and every year thereafter, during ontinuance of this act, and then nominate and appoint a person of good repute, and skilled in oodness, quality and well curing of salted beef, pork, and fish of every kind, to be inspector of provisions within the said port for the ensuing year.

And qualify, &c.

II. AND BE IT ENACTED, That every commissioner who shall vote for the said officer, before he proceed to the nomination and appointment of said officer, shall take the following oath, or affir- on if a quaker, before some justice of the peace in Harford county: "I, A. B. do swear, (or rm,) that I will faithfully, honestly and impartially, nominate and appoint such person to be pector of salted provisions within the said port of Havre-de-Grace, as I think in my judgment conscience is fit and capable of executing the said office;" and in case of the death, refusal, eglect to act, of the said person so appointed inspector of salted provisions, his vacancy shall be up in the manner and as is herein before directed and provided in the case of the inspector our.

Inspector to qualify, &c.

III. AND BE IT ENACTED, That every inspector of salted provisions who shall be nominated appointed as aforesaid, before his executing any of the duties of said office, shall qualify, by g the oath, or making the affirmation, prescribed and directed by the fourteenth section of the assed at November session, seventeen hundred and eighty-six, * entitled, An act for the inspec- of salted provisions exported and imported from and to the town of Baltimore, and also the ral oaths or affirmations to government appointed by law; and the said inspector of salted pro-

* Chapter 17.

visions,

CHAP. XXI.

visions, appointed in virtue of this act, shall have the same allowance as by the aforesaid act is p vided for the inspector of salted provisions within the town of Baltimore.

Parts of an act extended, &c.

IX. AND BE IT ENACTED, That all and singular the sections, clauses and provisions, contained the aforesaid act, entitled, An act for the inspection of salted provisions exported and imported fr and to the town of Baltimore, be and they are hereby extended to the port of Havre-de-Grace, a to the regulation of the inspection of salted provisions within the said port, in as full and ampl manner as if the same had been herein particularly specified and mentioned.

Duration.

X. AND BE IT ENACTED, That this act be and continue in force for and during the term of years, and until the end of the next session of assembly which shall happen thereafter.

CHAP. XXII.

Passed 30th of Dec. 1796.

An ACT for the relief of the poor of Washington county. Li JG. No. 2. fol. 449.

A Supplement 1797, ch. 34.

Preamble.

WHEREAS the increase of the poor within Washington county is very great and burthenso and which might be greatly lessened by a due regulation of them by law; therefore,

N. B. The 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th sections, are repealed by 1797, ch. 34, and are therefore omitted.

Trustees to meet yearly, &c.

X. AND BE IT ENACTED, That the said trustees, or a major part of them, shall and they hereby authorised, directed and enjoined, to meet together between the first and tenth day of N vember, yearly, and at all such other times as they shall judge necessary, at the alms and work-ho in the said county, during the continuance of this act, to appoint a fit person to be overseer of alms and work-house in the said county, and other proper officers and servants, as to them shall pear necessary for carrying on the business of the said corporation; and they, or the major part them, shall and may agree, and they are hereby empowered to pay the said overseer, out of the mo raised and collected as aforesaid, a sum not exceeding sixty-five pounds current money *per annum*, a salary, and so *pro rato* during his continuance in office, and shall then take bond, which the s overseer, and any other overseer to be appointed, shall and is hereby obliged to enter into, w good and sufficient sureties, in the penalty of two hundred pounds current money, payable to t said trustees of the poor, conditioned as follows, to wit: "The condition of the above obligation "such, that if the above bound A. B. as overseer of the alms and work-house in Washington co "ty, shall well and truly discharge his duty in the said station, and more particularly according "the directions of the act of assembly, entitled, An act for the relief of the poor in Washing "county, then the above obligation to be void, otherwise to remain in full force and virtue in la

May remove overseer, &c.

XI. AND BE IT ENACTED, That the said trustees respectively, or a major part of them, shall a they are hereby directed and empowered to remove such overseer, and all other officers by them be appointed in pursuance of this act, at their discretion, and to choose others in their place a stead.

And meet four times a year, &c.

XII. AND BE IT ENACTED, That the said trustees, or the major part of them, shall and they hereby directed and enjoined to meet at the alms and work-house in Washington county four ti in the year, in the first week in May, August, October, December, or oftener, if it should by th be deemed necessary, to make and ordain, by a majority of votes of such as may be present, all s good and wholesome ordinances, rules and by-laws, as they shall think convenient and necessary the direction, government and support, of the alms and work-house in said county, and also for t cleanliness, maintenance and employment, of all such poor persons as shall be taken under their ca and of all vagrants, beggars, vagabonds and offenders, that shall be committed thereto by virtue this act; all which ordinances, rules and by-laws, shall be, from time to time, inviolably obser by all persons concerned, according to the tenor and effect thereof.

Overseer to keep a list, &c.

XIII. AND BE IT ENACTED, That the said overseer shall keep a fair and regular list of all po and of all beggars, vagrants, vagabonds and offenders, who shall be committed to his said alms a work-house, and also fair and regular accounts, in writing, of all materials and other things com to his hands as overseer aforesaid, and all expences and charges attending their maintenance a support, and of all monies received by him for the sale of the produce of their labour, and oth wise, as overseer aforesaid, and shall lay the said lists and accounts before the trustees of said co

r the major part of them, at their meetings at the times by this act directed, or oftener, if by required.

V. And be it enacted, That the said overseer may compel and oblige any of the said poor, rs, vagrants and vagabonds, or offenders, in his alms and work-house, if of a sufficient ability, rk and labour, and the produce of their labour he is hereby directed and empowered to sell, pply the money arising from such sale to their maintenance and support.

And compel the poor to work, &c.

. And be it enacted, That upon complaint made, that any person, from his or her disor- conduct, gives disturbance to his or their neighbourhood, and is likely to become chargeable to id county, it shall and may be lawful for any one magistrate of the said county, if upon hear- e party he shall judge the complaint to be well founded, to commit such disorderly person, re- within the said county, to the said work-house, for any time not exceeding three months, un- e or she shall find security, at the discretion of the magistrate aforesaid, in any sum not exceed- irty dollars, for his or her good behaviour during the space of six months; and also upon com- , and due proof made by the overseer of the said alms and work-house, to any one trustee, that grant, vagabond or beggar, in the work-house, hath behaved and demeaned him or herself in derly manner, or hath refused or neglected to do and perform his or her daily labour or task, h refused or neglected to obey, keep and observe, any of the ordinances, rules and by-laws, of d corporation, to order and direct such moderate and proper correction, not exceeding fifteen for any one offence, to be given to such offender, as the nature of the case may require.

Disorderly persons may be committed, &c.

I. And be it enacted, That it shall and may be lawful to and for any of the said trustees to nd appoint, under their hand in writing, what poor shall be received into the alms and work- of said county; and it shall and may be lawful for any one justice of the peace for the said , and for any person authorised and appointed by such justice, to apprehend, or cause to be ended and committed to the said work-house, any vagrants, vagabonds, beggars, and other issolute and disorderly persons, found loitering or residing in said county, who follow no , trade, occupation or business, and have no visible means of subsistence whereby to acquire an livelihood, there to be kept at hard labour for any time not exceeding three months; and the er of such alms and work-house shall be obliged to receive any poor appointed as aforesaid to ived, and any vagrant, vagabond, beggar, and other idle, dissolute and disorderly person, so resaid committed.

Trustees to direct what poor shall be received, &c.

II. And be it enacted, That every person who shall be received into the said alms and ouse, and there receive relief, shall, upon the shoulder of the right sleeve of the uppermost nt of every such person, in an open and visible manner, wear the following badge, to wit: tters P. W. cut in red or blue cloth, as by the overseer of the poor shall be directed and ap- d; and if such poor person shall neglect or refuse to wear such mark or badge as aforesaid, and ner as aforesaid, it shall and may be lawful for any one of the trustees of such county to punish such offender for every such offence, either by ordering his or her usual allowance to be ed, suspended or withdrawn, and kept to hard labour for any number of days not exceeding , as to the said trustee shall seem meet; and if any overseer of the poor shall receive into his ms and work-house, or shall support, any such person, not having and wearing such badge or s aforesaid, and be thereof convicted upon the oath of one or more credible witness or wit- he shall forfeit and pay the sum of thirty dollars.

Poor, &c. to wear a badge, &c.

III. And be it enacted, That whosoever shall presume, either to set up a booth, stall, or convenience for the selling of strong liquors, on the land purchased for the use of the said alms ork-house, or shall commit any kind of trespass thereon, or shall sell or dispose of any strong , or other matter or thing whatsoever to, or purchase any matter or thing whatsoever from, oor, or other person entertained in the said alms and work-house, shall, for every such offence, and pay the sum of forty dollars.

Penalty on keeping booth, &c.

X. And be it enacted, That all sheriffs, constables, and all other officers and ministers of , shall be aiding and assisting to the said trustees for the poor in the said counties, and to all fficers as shall be employed by them, as by this act is directed, in the execution and perform- f the said service.

Sheriffs, &c. to aid trustees, &c.

. And be it enacted, That if any person or persons shall, at any time or times, be sued or uted for any matter or thing by him or them done and executed in pursuance and execution of

General issue pleadable, &c.

CHAP. XXII.

this act, or of any matter or thing in this act contained, such person or persons shall and may p the general issue, and give this act and the special matter in evidence, for his or her defence; a upon trial a verdict shall pass for the defendant or defendants, or if the plaintiff or plaintiffs become nonsuit, or discontinue his or their suit, then such defendant or defendants shall have recover treble costs to him or them awarded against such plaintiff or plaintiffs; and if the pla or plaintiffs is or are unable to satisfy the same, then it shall be paid and satisfied by the atto who brought such suit, unless the plaintiff or plaintiffs shall give security for the costs, to be proved by the court in which such suit is brought.

One trustee to be chosen annually, &c.

XXI. AND, to prevent individuals from being unreasonably burthened with the execution of act as trustees for the poor, BE IT ENACTED, That at the time of the meeting of the said tru for the poor in the first week of November yearly, the said trustees, or the major part of them the said county, shall and may elect and choose one of the principal inhabitants of said county be a trustee for the poor of said county in the stead of the first named or eldest of the said tru of the said county, which said first named or eldest trustee shall be, and is by virtue hereof, the from discharged from his office.

Trustees to rent an house, &c.

XXII. AND BE IT ENACTED, That it shall and may be lawful for the trustees aforesaid, major part of them, to rent an house or houses in the said county for the reception of such p vagrants, vagabonds or offenders, with the necessary lot or lots of ground adjoining to such hou houses, as convenient to the court-house in said county as may be, for the reception and accom dation of the said poor, vagrants, vagabonds and offenders, until a sufficient sum of money be ra in virtue of this act to enable the said trustees to purchase the land and erect the buildings he before mentioned; and the justices of said county are hereby empowered and enjoined, annually the court for laying the county rate, to assess on the taxable property of the said county a suffic sum to discharge the rent aforesaid, with the collector's commission of six *per cent.* thereon; w sum, so as aforesaid assessed, shall be collected and paid by the collector of said county to the trustees, or a majority of them, to be by them applied to the purposes aforesaid; and the trustees, or the major part of them, are hereby empowered and required, as soon as such hous houses aforesaid are procured on rent, to proceed to the appointment of an overseer, and o officers and servants as are mentioned in this act, and to do and perform every other matter thing necessary to carrying the said act into execution, according to the true intent and mea thereof.

Justices to levy money, &c.

XXIII. AND BE IT ENACTED, That the justices of the said county shall and they are he empowered and directed to levy annually, in the usual manner, in said county, exclusive o money to be levied for the building and providing for the poor-house, such sums of money as to the trustees of the poor in said county, appear proper and necessary for the subsistence and ac modation of their poor, not exceeding three shillings and nine-pence in the hundred pounds; w said sums, when collected, shall be paid by the collector to the order of such trustees, or the m part of them, under their common seal, who are hereby authorised and required to receive apply the same to the use and purposes as is directed to be done in the ninth clause of this act.

By 1797, ch. 34, all fines under this act may be recovered before a justice of the peace, and applied to the use of the p the county. By 1799, ch. 65, the trustees in this and other counties are empowered to keep any number of out pensioner exceeding ten, and to allow to each an annual pension not exceeding thirty dollars.

CHAP. XXIII.

Passed 30th of Dec. 1796.

An ACT to dispose of Eden school, in Somerset county, and apply the money to the purposes therein mentioned. Lib. J No. 2. fol. 458.

Preamble.

WHEREAS it is represented to this general assembly, that the Eden school, which was ed at the joint expence of Somerset and Worcester counties, is now in a state of ruin, the beneficial effects of its original institution entirely defeated by its unhealthy situation: whereas it is further represented, that the said school, by being removed to a more healthy situa might become an useful nursery of academic literature for the adjacent counties; therefore,

Trustees appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Messieurs William Cottman, comico creek, George Robertson, James Bennett, Benjamin Frederick Augustus Cæsar Dal William Done, Peter Dashiell, Samuel Wilson, George Purnell, Samuel Handy, Isaac Mar Philip Quinton, William Selby, William Whittington and John Selby Purnell, be and they be

y conſtituted truſtees, with full power and authority to ſell and diſpoſe of the ſaid ſchool-houſe, he lands thereto appertinent, together with all the property which now belongs to the ſame, to eſt advantage; the ſaid property to be ſold at public ſale to the higheſt bidder, on a credit not ding eighteen months from the day of ſale, the ſaid truſtees giving four weeks public notice of me and place of ſale; and the money ariſing on the ſale thereof, after paying off the creditors e ſaid ſchool, provided their claims ſhall be legally authenticated, to apply to the purchaſe of a ity of land, not exceeding one hundred acres, in ſome healthy ſituation, moſt convenient to unties of Somerſet and Worceſter, and thereon to erect a ſchool-houſe, and ſuch other build- s may be deemed neceſſary by the ſaid truſtees, or a majority of them.

To be a body politic, &c.

I. AND BE IT ENACTED, That the ſaid truſtees, or a majority of them, by the names of The ees of Eden School, having firſt taken the uſual oaths to government, and an oath to diſcharge duty as truſtees to ſaid ſchool, ſhall be, to all intents and purpoſes, a body politic, to ſue and ed, plead or be impleaded, in any cauſe or action whatever in any court of law or equity within tate; and the ſaid truſtees, and their ſucceſſors, for ever, in their corporate capacity aforeſaid, ereby authoriſed to hold and occupy, for the uſe and benefit of ſaid ſchool, any property, her real or perſonal, not exceeding the value of ten thouſand pounds current money of land.

And make by-laws, &c.

V. AND BE IT ENACTED, That the ſaid truſtees, or a majority of them, ſhall have full power uthority to make and ordain ſuch by-laws and ordinances for the government and regulation of aid ſchool as by them ſhall be deemed requiſite, which rules and regulations ſhall be obſerved e maſters, uſhers, tutors and ſcholars, of the ſaid ſchool.

How vacancies are to be filled.

AND, in order to perpetuate the ſucceſſion of the ſaid truſtees, BE IT ENACTED, That as often y one or more of the ſaid truſtees ſhall reſign, die, or remove out of the ſaid counties of So- et and Worceſter, the remaining truſtees, or a majority of them, ſhall, at their next ſtated ing, before they proceed to other buſineſs, elect a ſuitable perſon to fill ſuch vacancy, reſiding in county in which ſuch vacancy ſhall happen, who ſhall, before he proceeds to act as truſtee for ſchool, qualify in manner aforeſaid.

Truſtees may receive monies, &c.

VI. AND BE IT ENACTED, That the ſaid truſtees, or a majority of them, are hereby empowered eceive and recover all monies due to the ſaid ſchool in the hands of the former viſitors, or any hem, or any of their heirs, executors or adminiſtrators, or any other perſon or perſons, and the to apply to the uſe of the ſaid ſchool.

Proviſo.

VII. PROVIDED, That nothing in this act ſhall compel the ſaid truſtees, or a majority of them, ell the ſaid ſchool and lands, unleſs the ſaid truſtees, or a majority of them, ſhould be of opini- hat a removal of the ſaid ſchool would be of public utility to the ſaid counties of Somerſet and rceſter.

CHAP. XXIV.

AN ACT for recording a patent therein mentioned. Lib. JG. No. 2. fol. 460. A Private Act.

Paſſed 30th of Dec. 1796.

CHAP. XXV.

AN ACT to empower the juſtices of the levy court of Charles county to aſſeſs and levy annually a ſum of money for the purpoſe therein mentioned. Lib. JG. No. 2. fol. 461.

Preamble.

WHEREAS Jane Lindſay, of Charles county, by her petition to this general aſſembly hath ſet forth, that her ſon John Lindſay has for many years been ſorely afflicted with a rheumatic ection of his limbs, and thereby is rendered unable to provide any ſupport either by labour or herwiſe, and that ſhe, from her indigent circumſtances, together with a family of infant children ſupport, is entirely unable to contribute in any degree to his maintenance, and praying that ſome oviſion may be made for the ſupport and maintenance of her ſaid ſon; and the facts appearing to is general aſſembly to be true,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the peace of Charles unty, at their levy court, ſhall have full power and authority, and they are hereby directed and quired, annually to aſſeſs, (ſo long as they ſhall ſee cauſe,) on the aſſeſſable property of ſaid coun- , a ſum not exceeding fifteen pounds current money for any one year; which ſaid ſum, ſo levied

CHAP. XXV.

and aſſeſſed, ſhall be collected as other county charges are, and paid to the ſaid Jane Lindſay, ſuch other perſon as they the ſaid juſtices ſhall appoint, for the uſe, ſupport and maintenance, the ſaid John Lindſay.

CHAP. XXVI.

Paſſed 30th of Dec. 1796. * 1786, ch. 36.

A Supplement to the act,* entitled, An act to improve and repair the ſtreets in Frederick-town, in Frederick county, and for other purpoſes therein mentioned. Lib. JG. No. 2. fol. 462.

Preamble.

WHEREAS a number of the inhabitants of the ſeveral additions to Frederick-town, in Frederick county, by their petition to this general aſſembly have ſet forth, that they are deſirous the ſame ſhall be annexed to the ſaid town, and be put under the control and authority of the commiſſioners; therefore,

Additions annexed to the town, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſeveral additions to Frederick-town, in Frederick county, be and are hereby annexed to the ſaid town, and that the commiſſioners of Frederick-town aforeſaid ſhall have the ſame power, juriſdiction and authority, over the ſaid additions, that they have heretofore had and exerciſed over the ſaid town, under and in virtue of the act to which this is a ſupplement, any law, uſage or cuſtom, to the contrary notwithſtanding.

CHAP. XXVII.

An ACT to confirm the diviſions made in the city of Waſhington of the eſtate of John Davidſon deceaſed, and for other purpoſes. Lib. JG. No. 2. fol. 462. A Private Act.

CHAP. XXVIII.

An ACT to authoriſe and empower the levy court of Montgomery county to aſſeſs and levy annually a ſum of money for the ſupport of Hannah Carter. Lib. JG. No. 2. fol. 464.

Preamble.

WHEREAS Hannah Carter, of Montgomery county, by her petition to this general aſſembly hath ſet forth, that ſhe is in her old age, and hath procured an honeſt livelihood by her labour until ſhe had an attack of the palſey, which deprived her of the uſe of her limbs, ſince which ſhe has been ſupported by the tender care of her daughter, now a widow with ſeveral ſmall children with whom ſhe is anxious to remain during the remainder of her days, having an averſion to go to the poor-houſe, where ſhe would be deprived of the comfort and tenderneſs of her ſaid daughter, and prays an act may paſs to provide for her future maintenance; the facts ſtated in ſaid petition appearing to be true; therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Montgomery county ſhall be and they are hereby directed and empowered, at their levy court annually, ſo long as they ſhall ſee cauſe, to aſſeſs and levy on ſaid county a ſum of money, not exceeding forty dollars, for the ſupport and maintenance of the ſaid Hannah Carter, and that the ſame be collected and paid annually by the collector of Montgomery county to ſuch perſon as the levy court of ſaid county ſhall and may direct.

CHAP. XXIX.

An ACT to authoriſe and empower the juſtices of the levy court of Kent county to aſſeſs and levy a ſum of money on the inhabitants of ſaid county for the purpoſe therein mentioned. Lib. JG. No. 2. fol. 465.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the court-houſe in Kent county ſtands in need of repairs and alterations, ſo that the public records of ſaid county may be kept ſecure; therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the peace of Kent county, or any five of them, ſhall be and they are hereby empowered and directed to aſſeſs and levy, at ſuch time or times as they may think proper, on the aſſeſſable property of Kent county aforeſaid, any ſum of current money, not exceeding four hundred pounds, together with the collector's compenſation of ſix *per cent.* for collecting the ſame; which ſaid monies, ſo to be aſſeſſed and levied, ſhall be

llected by the collector of Kent county for the time being from the inhabitants of said county, thers having property therein, in the same manner as other public levies and county assessments y law collected.

AND BE IT ENACTED, That Messieurs Benjamin Chambers, John Wethered and John Nin, or any two of them, shall be and they are hereby appointed commissioners, to superintend aking of such repairs, alterations, additions or improvements, to the court-house in Kent y, as may be thought necessary for the purpose of safe keeping and securing the public records l county, and to contract for materials, and agree with workmen, for the purpose of completing me. Commissioners appointed, &c.

1797, ch. 104, John Nicholson, Thomas Worrell and James Houston, are appointed commissioners, and they are directed ve an office built and attached to the court-house.

AND BE IT ENACTED, That the said commissioners, or any two of them, be and they are herethorised to call on the collector of said county to pay the sum so levied, after the time allowed y to him to collect the same, which said commissioners, or any two of them, are hereby authorised eive, and give acquittance therefor, and apply the same, or so much thereof as may be necestowards the repairs, alterations, additions or improvements, to the said court-house. Who are to call on the collector, &c.

AND BE IT ENACTED, That the said commissioners, or any two of them, shall lay before the s of the peace of the county aforesaid, at the levy court annually, a fair and distinct account monies by them received and expended for the purpose aforesaid, and the surplus, if any, after eting the work as aforesaid, shall be applied towards defraying the county charges; and if the ommissioners, or any two of them, as the case may be, shall refuse or neglect to render such t, or upon such account being had and rendered shall neglect or refuse to pay over the balance ir hands to such person or persons, and to such uses, as the said justices of Kent county shall and direct, that the said commissioners, or any two of them, as the case may be, or either of shall be liable to be sued in the said county court, in the name of the state of Maryland, in an for money had and received to the use of the state, in which action proof of the receipt of the by the defendant shall be sufficient to support the said action; and such sum of money recoin the said action or actions shall and may be received by the justices of the said county, and d by them in manner herein before directed. And lay before the justices a fair account, &c.

AND BE IT ENACTED, That if any of the said commissioners shall die, remove out of the y, or refuse to act, the residue shall immediately thereafter proceed to appoint another to fill up acancy. How vacancies are to be filled.

CHAP. XXX.

ACT to increase the jurisdiction of the corporation of the city f Annapolis. Lib. JG. No. 2. fol. 466.

Passed 30th of Dec. 1796.

THEREAS doubts exist, with respect to the powers of the corporation of the city of Annapolis in passing laws to restrain the mischiefs arising from vagrants, loose and disorderly persons, free negroes, and persons having no visible means of subsistence or support, and the great inse of such persons, to the prejudice of the morals and safety of the city of Annapolis, is apparent, Preamble.

BE IT ENACTED, *by the General Assembly of Maryland*, That the mayor, recorder, aldermen and non council, of the city of Annapolis, be and they are hereby authorised and empowered to make and ordain, all laws necessary to take up, fine, imprison or punish, any and all vagrants, and disorderly persons, free negroes, and persons having no visible means of subsistence or sup- that may be found within the limits or jurisdiction of the said city, provided that they shall not y case pass, make or ordain, any law to fine for any one offence a sum exceeding twenty dollars, prisonment exceeding thirty days, or punishment beyond fifteen lashes. Mayor, &c. to pass laws, &c.

I. AND BE IT ENACTED, That if any free negro or mulatto, or other free person, be committed ol in virtue of this act, and shall not, at the expiration of the time for which he is committed, to the sheriff the amount of his fine and prison fees, it shall and may be lawful for the sheriff, consent of the mayor in writing, to sell such negro or mulatto, or other free person, as a ser- for any time not exceeding four months, such time to be expressed in writing by the mayor in g his consent as aforesaid. Free negroes, &c. may be sold, &c.

CHAP.

CHAP. XXXI.

Passed 30th of Dec. 1796.

A Supplement to an act, (a) entitled, An act to remove the market house at the Head of Elk, and eſtabliſh the ſame, and for the advancement and regulation of the ſaid town. Lib. JG. No. fol. 467.

(a) April, 1787, ch. 31.

Money to be levied, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the commiſſioners of the town of Elton, in Cæcil county, ſhall have power to levy annually on the inhabitants of ſaid town, in of two ſhillings and ſix-pence authoriſed by the act to which this is a ſupplement, a ſum not exceeding one dollar for every hundred pounds worth of aſſeſſable property in ſaid town; and the ſaid commiſſioners ſhall have power to appoint a perſon to collect ſaid tax, who ſhall have the ſame power therefor as the collector of the county in the collection of the county tax; and ſaid money ſhall be applied, at the diſcretion of the commiſſioners, to the general benefit of ſaid town.

Power not to ceaſe, &c.

II. AND, whereas by the act to which this is a ſupplement the inhabitants of ſaid town are empowered to elect annually, on Eaſter Monday in each year, or as ſoon thereafter as convenient, ſeven commiſſioners for ſaid town, AND BE IT ENACTED, That ſhould the inhabitants of ſaid town at any time neglect to make an election, in manner and time required by ſaid act, the power of appointing ſuch commiſſioners ſhall not thereupon ceaſe, but the rights and power of the inhabitants of ſaid town in that reſpect ſhall continue in the ſame manner as though ſuch appointments had been duly made, and no neglect of ſaid inhabitants heretofore in reſpect to appointing ſuch commiſſioners ſhall be held to impair the rights and powers of the inhabitants of ſaid town, but the laws relating to the regulations and police of ſaid town ſhall thereafter be as full and perfect as if no neglect had ever taken place in reſpect to the appointment of ſuch commiſſioners.

CHAP. XXXII.

An ACT for the preſervation of the breed of fiſh in Patuxent river. Lib. JG. No. 2. fol. 468.

Preamble.

WHEREAS the breed of fiſh, eſpecially of herrings, in Patuxent river, is extremely injured by the cuſtom which prevails of whipping and beating the water with poles for the purpoſe of driving the fiſh, whereby the ſpawn of ſaid fiſh is deſtroyed; in order to prevent the like improper practices in future,

Penalty on perſons whipping the water, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That if any free perſon ſhall whip or beat the water in the river Patuxent, with poles or ſticks, for the purpoſe of driving the fiſh in the ſaid river, at any time between the firſt day of February and the firſt day of June in each year during the continuance of this act, ſuch perſon, ſo offending, ſhall forfeit and pay the ſum of one hundred dollars, to be recovered by action of debt, or by bill of indictment, in any county court within this ſtate, one half to the informer, the other half to the uſe of the county.

Slaves offending to be puniſhed, &c.

III. AND BE IT ENACTED, That if any ſlave ſhall whip and beat the water in the ſaid river as aforeſaid, ſuch ſlave ſhall be puniſhed, for every ſuch offence, on conviction thereof before any juſtice of the peace by the oath of one or more credible witneſs or witneſſes, by whipping on his back, in the diſcretion of the ſaid juſtice, not exceeding, for each offence, the number of ten laſhes; provided always, that the maſter or miſtreſs of ſaid ſlave, or any other perſon, may redeem ſaid ſlave ſo convicted, from ſaid puniſhment, by the payment of ten dollars, one half to the informer, the other half to be paid to the ſaid juſtice, for the uſe of the county; and provided, that if ſuch ſlave ſhall act as aforeſaid by the order of his owner or employer, he ſhall not be ſubject to whipping as aforeſaid, but the owner or employer giving the order ſhall be ſubject to the penalty of twenty dollars, to be recovered as aforeſaid.

Juſtice to account, &c.

IV. AND BE IT ENACTED, That every juſtice of the peace ſhall, at the levy court of his county account for all ſums of money received by virtue of this act, under the penalty of two hundred dollars.

Commencement, &c.

V. This act to commence on the firſt day of February next, and to continue and be in force until the twentieth day of October, one thouſand eight hundred and two, and until the end of the next ſeſſion of aſſembly which ſhall happen thereafter.

CHAP.

CHAP. XXXIII.

ACT to aſcertain the allowance to jurymen and witneſſes of the general court, and the ſeveral nty and orphan courts in this ſtate. Lib. JG. No. 2. fol. 469. Repealed by 1797, ch. 94.

Paſſed 30th of Dec. 1796.

CHAP. XXXIV.

Supplement to the act, (a) entitled, An act directing the proceedngs againſt perſons guilty of fornication. Lib. JG. No. 2. fol. 471.

(a) November, 1781, ch. 13.

HEREAS it frequently happens that the fathers of illegitimate children neglect to provide maintenance for ſuch children, whereby they become chargeable to the county before any ſs can iſſue to indemnify the county from ſuch charge, and ſuch remedy, under the exiſting laws is ſtate, is frequently attended with conſiderable delay; therefore,

Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That any one juſtice of the peace within tate is hereby authoriſed and required, upon the application of the mother of any illegitimate or any other perſon or perſons to whoſe cuſtody ſuch child may have been committed to be ained, verified by the oath, or affirmation, as the caſe may be, of ſuch mother or other perſon, he, ſhe or they, have not received any ſum or ſums of money from ſuch father, or either of curities, his or their, or either of their heirs, executors or adminiſtrators, for the uſe or maince of ſuch child, more than credit given, to iſſue an order, requiring ſuch father, his ſecurity curities, his or their heirs, executors or adminiſtrators, to pay to the mother, or other perſon hall have the cuſtody of the ſaid child, ſuch a ſum of money as may appear adequate for the enance of ſuch child, not exceeding thirty dollars *per annum*, until the ſaid child ſhall arrive to e of ſeven years; and upon proof of the ſervice of ſuch order upon the perſon or perſons to the ſame might have been directed, and demand of payment thereof, and that the money on due is unpaid, the clerk of the county court in which the recognizance of ſuch father may ed, is hereby authoriſed and empowered forthwith to iſſue a *ſcire facias* on ſuch recognizance, he uſe of ſuch mother, or other perſon entitled as aforeſaid, and thereupon ſuch proceedings be had as ſhall bring the matter in diſpute fairly to trial at the next term thereafter, without *importance* (b) or delay.

Juſtice, on application, to iſſue an order, &c.

(b) So in the record.

CHAP. XXXV.

ACT reſpecting two tracts of land lying in Allegany county, the one called Graſſy Cabin, the her called The Deſert. Lib. JG. No. 2. fol. 471. A Private Act.

CHAP. XXXVI.

ACT to lay out a road from Deep Point, in Cornwallis's Neck, n Charles county, until it ſhall interſect the public road at the New Houſe, on the head of Mattawoman creek, in ſaid county. Lib. JG. No. 2. fol. 472.

WHEREAS ſundry inhabitants of Charles county, by their petition to this general aſſembly have ſet forth, that they ſuſtain great inconvenience for the want of a public road leading n Deep Point, in Cornwallis's Neck, until it ſhall interſect the public road at a place known by name of the New Houſe, on the head of Mattawoman creek, in ſaid county, and have prayed a road may be laid out in ſaid direction; and the prayer thereof appearing reaſonable, therefore,

Preamble.

I. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Thomas M. Dent, James Fenwick, ert D. Simms, Walter Jameſton and Edward J. Pye, or any three of them, be and they are hereappointed commiſſioners, to ſurvey, lay out and open, at the expence of the petitioners, a road, exceeding thirty feet in width clear of ditches, from Deep Point, in Cornwallis's Neck, in arles county, until it ſhall interſect the public road at a place known by the name of the New uſe, on the head of Mattawoman creek, in ſaid county, in the *diſcretion* (c) which will beſt ſuit the ation of the ground; and a plot of the ſaid road, when ſo ſurveyed and laid out, ſhall be returnto Charles county court, to be recorded, and ſhall for ever thereafter be deemed and taken to be ublic highway, and repaired and improved in the ſame manner as other public roads in the ſaid nty.

Commiſſioners appointed, &c.

(c) So in the record.

III. AND

CHAP. XXXVI.

Who shall ascertain damages, &c.

III. AND BE IT ENACTED, That the said commissioners shall ascertain and value what dam may be sustained by any person or persons through whose land the said road shall pass, and the s when so assessed, shall be paid, or secured to be paid, by the said petitioners, before the said com sioners shall proceed to open the said road; provided always, that if any person or persons thro whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themse aggrieved by such valuation and assessment of damages by the said commissioners, it shall and ma lawful for the said commissioners, or any two of them, to issue their warrant to the sheriff of county, to summon twelve freeholders of the county, not interested in the premises, and qualifie serve as jurors in the county court, to appear, on a day by them to be appointed, on the premi and the said commissioners are hereby authorised to administer an oath to every person so summo that he will, without favour, affection, prejudice or partiality, assess the damages sustained by persons at whose request such inquisition shall be taken, by reason of opening the aforesaid through his, her or their land; and the persons so summoned and sworn shall thereupon proceed assess and value the damages accordingly, of which the said petitioners, or some one of them, have at least five days previous notice; and such inquisition shall be final and conclusive betw the parties.

Not to go thro' buildings, &c.

IV. AND BE IT ENACTED, That the said commissioners shall not lay out or open the said through the buildings, gardens or orchards, of any person, without his or her consent.

CHAP. XXXVII.

Passed 30th of Dec. 1796. * 1790, ch. 11.

An additional supplement to the act,* entitled, An act for the removal of the seat of justice from Melville's warehouse to Point, in Caroline county. Lib. JG. No. 2. fol. 473.

Commissioners appointed, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That Messieurs William Richardson, Will Potter, George Martin, Henry Downes, Christopher Driver, Joshua Driver and John Benn are hereby constituted commissioners, to execute and perform the trusts reposed in them by this and in case any of the said commissioners should die, refuse to act, or remove out of the said cou the others, or a major part of them, shall elect some other fit and proper person or persons of said county in the room of him or them so dying, refusing to act, or removing out of the said cou

Who are to survey land, &c.

II. AND, whereas it is represented to this general assembly, that the owners of the land conti ous to Denton, in Caroline county, are desirous that a village should be surveyed and laid out, w convenient streets, lanes and alleys; therefore, BE IT ENACTED, That the said commissioners, o majority of them, are hereby authorised and empowered, with the consent of the proprietor or p prietors aforesaid, to survey and lay out any quantity of land, not exceeding fifty acres, includi the public square called Denton, in Caroline county, and the lands thereto contiguous, and the sa when surveyed, to be erected into a village, and to be called and known by the name of Dento and such village, when surveyed and laid out, to divide into lots, which lots shall be numbered a bounded by stones, at every corner of the same; and the said commissioners, or a majority of th are hereby authorised and empowered to survey and lay out a sufficient number of streets, not e ceeding fifty feet wide, as also a sufficient number of alleys, not exceeding twenty feet wide, thro the said village, for the public convenience; and so soon as the rightful proprietor or proprietors the said lands shall execute a deed or deeds of bargain and sale to the said commissioners, in trust the use and benefit of the inhabitants of the said county, for such land so laid out for streets a alleys, the same shall become, and for ever thereafter be deemed, public highways to all intents a purposes.

Return a certificate, &c.

III. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall return correct and accurate certificate and plot of survey of the said village, streets and alleys, to the cl of Caroline county court, to be by him recorded among the land records of the said county, and t original plot thereof to be by him kept, and a certified copy thereof shall be for ever hereafter deem and taken as full evidence of the bounds, lines and location, of the said village and lots, and t streets and alleys of the same.

IV. AND, whereas it is represented to this general assembly, that the public square at Dento might be much more advantageously located, by exchanging a part of the said public square for small quantity of land lying on the south side thereof, by means whereof a communication with th main street, leading through Denton, will be formed with the said public square; therefore, BE I

ENACTE

ED, That the said commissioners, or a majority of them, are hereby authorised and empowered ey and lay out anew the public square, which was originally laid out and condemned in pursu- f the act of assembly to which this is an additional supplement; and in case the said commis- , or a majority of them, shall deem it most advantageous to the public, they, or a majority of are hereby authorised and empowered to exchange a part of the said public square lying on rthernmost side thereof, not exceeding one acre, for the like quantity of land on the southern- le of the said square, and upon the proprietor or proprietors of any such land so exchanged ng a deed or deeds of bargain and sale, agreeably to the laws of this state, such land shall be r thereafter deemed and taken to be part of the said public square, and as such to be used and ; and upon the said commissioners, or a majority of them, executing a deed of bargain and any such part of the said public square, not exceeding the quantity aforesaid, such deed shall d and effectual to pass a sufficient title in fee-simple to such bargainee or bargainees to whom ed shall be made.

CHAP. XXXVII.

And lay out anew the public square, &c.

ND BE IT ENACTED, That it shall and may be lawful for any person residing within the limits said village, in ten days after laying out the same, and the return made as aforesaid by the mmissioners, to seize or take any swine or geese that may be found running at large within ts of the said village belonging to any person residing within the same, and the same retain er or their own possession, until the owner or owners thereof shall pay the sum of one half or every hog, or for every half dozen geese, and a proportionable sum for every goose, so , to the use of the person or persons taking up or securing the same; and in case the pro- or proprietors aforesaid shall not, within two days after notice of such seizure, pay the sum as aforesaid, it shall and may be lawful for the person seizing the same to sell the same by ndue, in the said village, within three days, between the hours of ten and twelve of the of the said day, and the monies thereon arising to apply to his, her or their own proper use.

Swine, &c. may be seized, &c.

ND BE IT ENACTED, That the said commissioners, or a majority of them, are hereby em- and directed to contract and agree for materials, and to employ necessary labourers and cs, upon the most reasonable terms, to erect and build a good and sufficient prison, in such ent part of the said public square as the said commissioners, or a majority of them, shall deem and the justices of the levy court of Caroline county are hereby directed and empowered nd assess, at two equal assessments, in the years of seventeen hundred and ninety-seven and n hundred and ninety-eight, a sum not exceeding two thousand dollars, on the assessable of the said county, together with the usual commission for collecting the same; which sum, assessed and levied, shall be collected by the collector of the said county as the other county are collected; and the same, when collected, shall be paid over by such collector to the com- rs, or a majority of them, or their order, for the purpose of completing the said prison; and nd may be lawful for the said commissioners, or a majority of them, to demand and receive, nd recover, from the commissioners, or any of them, appointed in pursuance of the said act this is an additional supplement, any sum or sums of money which the said commissioners, r of them, shall have received and not applied to the purposes of erecting a prison in the nty, agreeably to the provisions of the said act.

Commissioners to contract, &c.

AND BE IT ENACTED, That the said commissioners, after completing the prison aforesaid, before the levy court of said county which shall happen next after completing said prison, a fair account of the receipts and expenditures of the monies levied and collected by virtue of , and that if any surplus of the same should remain in the hands of the said commissioners, e shall be paid by them, or any of them, to the levy court aforesaid, and by them to be ap- defray the county charges of said county.

And lay an account before the court, &c.

AND BE IT FURTHER ENACTED, That so much of the act to which this is an additional ent as regards the appointment of the commissioners therein named, for the purpose of build- ol in said county, be and the same is hereby repealed.

Part of an act repealed.

CHAP. XXXVIII.

Passed 30th of Dec. 1796.

ACT to incorporate the Roman catholic congregation worshipping at the church of Saint-Mary, in the vicinity of Bryan-town, Charles county. Lib. JG. No. 2. fol. 476.

HEREAS the members of the religious society of Roman catholics belonging to the congregation worshipping at the church of Saint-Mary, in the vicinity of Bryan-town, in Charles county, have,

Preamble.

CHAP. XXXVIII.

have, by their petition to this general aſſembly, prayed that a law might paſs to incorporate them, to enable them to manage the temporalities of their church, as other religious ſocieties within this have been enabled to do; and it appearing reaſonable that the prayer of ſaid petition be granted

Members erected into a body corporate, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the members of the religious ſoc of Roman catholics belonging to the congregation worſhipping at the church of Saint-Mary, in vicinity of Bryan-town, in Charles county, from and immediately after the paſſing of this act be, and they are hereby erected into and declared to be, one body politic and corporate, in deed law, by the name, ſtyle and title, of The Truſtees of the Roman Catholic Society worſhippi the Church of Saint-Mary, in the vicinity of Bryan-town, in Charles county; and that they, ſaid truſtees, by the name aforeſaid, and their ſucceſſors, to be elected as herein after menti ſhall have perpetual ſucceſſion, and be able and capable in law to purchaſe, take, have, hold, re and enjoy, to them and their ſucceſſors, in fee-ſimple, or for any leſſer eſtate, any lands, tenem rents, hereditaments or real eſtate, by grant, gift, bargain, ſale, will, deviſe or otherwiſe, and to purchaſe, take, hold, poſſeſs and enjoy, any monies, goods, chattels or perſonal eſtate wha ver, by gift, grant, will, legacy or bequeſt, ſo as the ſaid real and perſonal property ſhall not ex in the whole the yearly value of two hundred pounds current money of Maryland; and provide ſo, that the lands which ſhall be acquired by and veſted in the ſaid corporation by virtue of thi ſhall not exceed, in the whole, the quantity of three hundred acres; and the ſame lands, tenem rents, hereditaments, and real and perſonal eſtate, (excepting always the ſaid church called S Mary, and the lot of ground, grave-yard and appertenances thereto belonging, or therewith uſed and occupied,) to give, grant, demiſe, or otherwiſe diſpoſe of, as to them ſhall ſeem meet the uſe of ſaid religious ſociety; and alſo, that the ſaid truſtees, by the name aforeſaid, ſhall be and capable in law to ſue and be ſued, implead and be impleaded, anſwer and be anſwered unto fend and be defended, in any ſuits or actions, and in all or any courts or juriſdictions whatſoe and that it ſhall and may be lawful for the ſaid truſtees, by the name aforeſaid, to deviſe, make, and uſe, one common ſeal, to authenticate all and every the acts, deeds and inſtruments, tou their buſineſs, and the ſame at pleaſure to break, alter and renew; and generally, that the ſaid tees, by the name aforeſaid, ſhall have, hold and enjoy, all and ſingular the rights, privileges, ties and franchiſes, incident and belonging to a private or religious corporation or body politi fully and effectually as any other private or religious corporation or body politic in this ſtate has to have, hold and enjoy.

First truſtees appointed, &c.

III. AND BE IT ENACTED, That the firſt truſtees of the ſaid corporation ſhall be and con the following perſons, to wit: The reverend John David, the preſent paſtor of the church, H Boarman, Richard Edelen, Francis Bowling, John Francis Gardiner and Charles Boarman, me of the congregation worſhipping in the ſaid church; and the future truſtees of the ſaid corpor ſhall be and conſiſt of the paſtor of the ſaid church for the time being, having been duly appoi and five lay members of the congregation worſhipping in the ſaid church, to be appointed and el in the manner herein after mentioned.

Members to meet, &c.

IV. AND BE IT ENACTED, That all and every the members of the ſaid congregation hold pew, or part of a pew, in the ſaid church, and paying for the ſame, or otherwiſe contributing tow the ſupport of the ſame church, or the paſtor thereof, ſhall meet at their uſual place of worſh Monday after Whitſunday in the year one thouſand ſeven hundred and ninety-ſeven, and ſo every year for ever thereafter, (of which notice ſhall be given in the ſaid church at the cloſe o divine worſhip on the morning of the preceding Sunday,) and then and there ſhall chooſe, by b the ſaid five lay truſtees, in manner aforeſaid, by a majority of thoſe members ſo qualified; an truſtees ſo choſen ſhall continue to be truſtees of the ſaid corporation until the next election, w names, on ſuch elections, ſhall be openly declared by the paſtor, and entered in the books of the corporation, for that purpoſe to be kept.

Truſtees to meet, &c.

V. AND BE IT ENACTED, That it ſhall and may be lawful to and for the ſaid truſtees, and ſucceſſors, from time to time, as occaſion ſhall require, to meet together for the purpoſe of tra ing the buſineſs of the ſociety under their care, of the time and place of which meetings due n ſhall be given to all the ſaid truſtees at leaſt one day before, at which meetings the paſtor ſha preſident, and if four of the ſaid truſtees ſhall attend, they ſhall form a quorum or board, and have power, by a majority of voices preſent, to make, ordain, and eſtabliſh, ſuch rules, orders regulations, for the management of the temporal buſineſs, and diſpoſing of the eſtate of the ſaid poration, as to them ſhall ſeem proper, provided that ſuch rules, orders and regulations, be re able in themſelves, and not repugnant to the conſtitution and laws of this ſtate.

VI.

AND BE IT ENACTED, That the paſtor, or any member of the ſaid corporation, ſhall have power and authority to adjourn from day to day, until a quorum ſhall attend; and the ſaid corporation are authoriſed and empowered to employ ſome fit and proper perſon to act as regiſter, whoſe duty it ſhall be to keep a regular account of their proceedings, which ſhall be ſubject to the inſpection of any of the members belonging to the ſaid church. CHAP. XXXVIII. Paſtor, &c. may adjourn, &c.

CHAP. XXXIX.

AN ACT for the deſtruction of crows in the ſeveral counties therein mentioned. Lib. JG. No. 2. fol. 479.

Paſſed 30th of Dec. 1796.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That if any perſon reſiding in Baltimore, Somerſet, Worceſter, Waſhington, Talbot or Caroline counties, ſhall bring to any juſtice of the peace of the county in which ſuch perſon ſhall reſide, the head or heads of any crow or crows, ſuch perſon ſhall, for every ſuch head, be allowed in the county levy of the ſaid county the ſum of ſix pence; and the juſtice of the peace before whom ſuch head or heads ſhall be brought, is hereby required to give the perſon bringing the ſame a certificate thereof, and cauſe the ſaid head or heads to be burnt, or otherwiſe deſtroyed. Perſons to be allowed, &c.

PROVIDED NEVERTHELESS, AND BE IT ENACTED, That no perſon whatſoever ſhall be entitled to any allowance for any ſuch head or heads, without firſt making oath, or affirmation, as the caſe may be, that ſuch crow or crows was or were killed in the county where ſuch certificate is applied for, and that no certificate hath been obtained from any other juſtice of the peace for the ſame; and that it ſhall be the duty of each and every juſtice of the peace before whom ſuch head or heads may be brought by virtue of this or any other act now exiſting for the deſtruction of crows, to take and receive the oath or affirmation of the party bringing the ſame, free and clear from all charge againſt ſuch perſon or perſons making ſuch oath or affirmation, any thing to the contrary in any law notwithſtanding. Proviſo.

This act to continue and be in force till the twentieth day of October, one thouſand eight hundred. Duration.

CHAP. XL.

AN ACT to increaſe the allowance of the juſtices of the orphans courts, the commiſſioners of the tax, and the clerk to the commiſſioners, in the ſeveral counties of this ſtate. Lib. JG. No. 2. fol. 480.

WHEREAS it is right and proper that a ſufficient allowance ſhould be made to the juſtices of the orphans courts, the commiſſioners of the tax, and the clerk to the commiſſioners, in the ſeveral counties of this ſtate, to compenſate them for their trouble and expences; therefore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the paſſage of this act each and every juſtice of the reſpective orphans courts in this ſtate ſhall be entitled to receive the ſum of two dollars for every day he ſhall attend in the execution of his office, and ſuch allowance to be levied and collected in the ſame manner as other county charges are by law collected. Allowance to juſtices, &c.

AND BE IT ENACTED, That each and every commiſſioner of the tax, and the clerk to the commiſſioners, in the ſeveral counties of this ſtate, ſhall be entitled to receive the ſum of two dollars for every day he ſhall attend in the diſcharge of his duty as commiſſioner, or as clerk to the commiſſioners, which allowance ſhall be levied and collected as aforeſaid. And commiſſioners, &c.

The ſame allowance is made by 1797, ch. 89, ſection 19.

AND BE IT ENACTED, That ſo much of the act of aſſembly paſſed at November ſeſſion, ſeventeen hundred and ninety-one, * entitled, An additional ſupplementary act to the act, entitled, An act to eſtabliſh orphans courts in the ſeveral counties of this ſtate, which fixes the allowance of the juſtices of the ſeveral orphans courts, and alſo that part of an act of aſſembly paſſed at November ſeſſion, ſeventeen hundred and ninety-two, † entitled, An act for the valuation of real and perſonal property within this ſtate, which aſcertains the allowance to the commiſſioners of the tax, and the clerk to the commiſſioners, be and the ſame are hereby repealed. Part of former acts repealed. * Chapter 76. † Chapter 71.

CHAP. XL. Duration.

V. This act to continue and be in force until the first day of October, in the year one thous seven hundred and ninety-seven, and until the end of the next session of assembly which shall hap thereafter.

Continued by 1798, ch. 71, to 30th October, 1805, &c.

CHAP. XLI.

Passed 30th of Dec. 1796.

An ACT to ascertain the allowance of members of the general a sembly, electors of senate, and electors of president and vice-pr sident of the United States. Lib. JG. No. 2. fol. 481.

Allowance to members, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That four dollars and fifty cents be allow to the president of the senate and speaker of the house of delegates, and three dollars and f cents to each member of the general assembly, and each elector of senate, and each elector of p sident and vice-president of the United States, for every day's attendance as such, for the purp of defraying his expences, besides the accustomed itinerant charges and ferriages.

CHAP. XLII.

An ACT to amend and explain the thirty-third section of an act, (entitled, An act for the more effectual paving the streets of Balt more-town, in Baltimore county, and for other purposes. Lib. JG No. 2. fol. 481.

(a) November, 1782, ch. 17.

Preamble.

WHEREAS the regulations and provisions of the thirty-third section of the act, entitled, act for the more effectual paving the streets of Baltimore-town, in Baltimore county, and other purposes, have been considered as extending to all waggons, wains and carts, belonging to person or persons living within Baltimore-town, or within three miles therefrom, although s waggons, wains or carts, are attached to farms or plantations without the said limits, and are usually employed within the same;

Restriction confined, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the restrictions and regulations the said section shall be confined to waggons, wains or carts, belonging to persons residing in Ba more-town, or within three miles thereof, and usually kept and employed in said limits, and shall be construed to extend to waggons, wains or carts, attached to any farm, plantation or estate, ly out of the said limits, and not usually employed within the same, although such waggons, wains carts, may belong to persons residing within Baltimore-town, or within three miles thereof, although the said waggons, wains or carts, may occasionally go upon the paved parts of Baltimo town, any law to the contrary notwithstanding.

CHAP. XLIII.

An ACT for the better administration of justice in the several cou ties of this state. Lib. JG. No. 2. fol. 482.

Supplements 1797, ch. 69, 1799, ch. 90.

Preamble.

WHEREAS an uniformity of legal decisions ought to be obtained as far as the circumstances the state will permit,

State divided into districts.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That this state shall be divided into districts, to be numbered and distinguished as follows; that is to say, Saint-Mary's, Calvert, Prin George's and Charles counties, shall be the first district; Cæcil, Kent, Queen-Anne's and Tal counties, shall be the second district; Anne-Arundel, Baltimore and Harford counties, shall be third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth distri and Washington, Frederick, Montgomery and Allegany counties, shall be the fifth district.

When courts are to be held.

III. AND BE IT ENACTED, That two county courts shall be held in each county within the districts in every year, and shall commence and be held as follows: Saint-Mary's county on the Mondays in March and August, in Calvert county fourth Mondays in April and September, in Prin George's county first Mondays in April and September, in Charles county third Mondays in Ma

Auguſt, in Cæcil county firſt Monday in March and firſt Monday in Auguſt, in Kent county Monday in March and ſecond Monday in October, in Queen-Anne's county firſt Monday in and fourth Monday in October, in Talbot county fourth Monday in May and ſecond Monday ovember, in Anne-Arundel county third Mondays in April and September, in Baltimore county Mondays in April and September, in Harford county third Mondays in March and Auguſt, in line county (a) ſecond Mondays in March and October, in Dorcheſter county (b) fourth Mon- in March and October, in Somerſet county ſecond Mondays in May and November, in Wor- r county ſecond Mondays in February and Auguſt, in Waſhington county firſt Monday in April firſt Monday in January, (c) in Frederick county third Monday in March and third Monday in ember, in Montgomery county firſt Mondays in March and November, and in Allegany county Monday in April and third Monday in October.

a) By 1797, ch. 19, changed to the firſt Monday in March.

b) By 1797, ch. 19, changed to the third Monday in March.

c) By 1798, ch. 81, the month of December is ſubſtituted for January.

Section continued.

. AND BE IT ENACTED, That the fourth ſection of an act, entitled, An act for the better ad- ſtration of juſtice in the ſeveral counties of this ſtate, paſſed at November ſeſſion, ſeventeen red and ninety, (d) be and the ſame is hereby continued, and ſhall be in force during the con- nce of this act.

d) Seventeen hundred and ninety, chapter 33, ſection 4. AND BE IT ENACTED, That the governor and the council be horiſed and requeſted to appoint and commiſſion, for each of the ſaid diſtricts, one perſon of integrity and experience, and d legal knowledge, who ſhall reſide in the diſtrict for which he is appointed, (who ſhall be ſtyled in the commiſſion Chief ice of the county courts in ſuch diſtrict,) and to appoint and commiſſion, in each of the counties of this ſtate, two perſons ntegrity, experience and knowledge, reſidents of the county for which they were appointed, (who ſhall be ſtyled in the miſſion Aſſociate Juſtices of the county court of the county for which they ſhall be appointed;) and the ſaid juſtices ſhall their commiſſion during good behaviour, and may be removed for miſbehaviour in the ſame manner as the chancellor the judges may be removed agreeably to the conſtitution of this ſtate, and not otherwiſe.

Of whom the courts are to be compoſed, &c.

AND BE IT ENACTED, That the county courts in each diſtrict, ſhall be compoſed of the chief e of the diſtrict in which each county ſhall be, and of two aſſociate juſtices appointed for ſuch ties reſpectively; and that the ſaid county court or the chief juſtice alone, or the two aſſociate es, ſhall have, poſſeſs and execute, the ſame power, juriſdiction and duties, now veſted in or red of the county courts of this ſtate, except in the caſes hereafter excepted, and an appeal or of error ſhall lie to the general court, in the ſame manner, and under the ſame regulations, as w or ſhall hereafter be allowed by law from the county courts to the general court; and any of the ſaid aſſociate juſtices may hold and adjourn the ſaid court, and impannel and charge the d jury, and direct proceſs to iſſue on any preſentment or indictment found in the ſaid court, or ny petition or complaint exhibited to the ſaid court, and he may direct ſubpœnas to iſſue for wit- s to attend the ſaid court, or attachments of contempt to iſſue againſt witneſſes or jurors for attendance, and he may direct any witneſs to be ſworn to the grand jury, and receive any pre- ment or indictment from the grand jury, and take recognizances for the appearance of witneſſes, ny perſon preſented or indicted, and he may commit any perſon preſented or indicted for want ecurity, and he may direct judgments to be entered on confeſſion, or *non ſum informatus*, and on ult or amerciaments of any ſheriff or coroner, and may direct commitments to be entered againſt ons brought in on executions, and may take ſpecial bail in any cauſe exiſting, or that may exiſt, e court of which he is aſſociate, and may alſo, in court ſitting, accept the ſurrender by the cipal of himſelf in diſcharge of his bail, and by the bail of the principal in diſcharge of himſelf, take new bail, or commit for want of bail, and take recognizances for the appearance and rity of any perſon or perſons who have filed or may file petitions for freedom.

Acknowledgements good, &c.

I. AND BE IT ENACTED, That all acknowledgments of deeds hereafter made for the conveyance and, before any chief juſtice of a diſtrict, within his diſtrict, or any aſſociate juſtice, within his ty, ſhall be as good and valid in law as if the ſame was made before any judge of the general t, or before two juſtices of the peace, any law, uſage or cuſtom, to the contrary notwith- ding.

Courts to require copies, &c.

II. AND BE IT ENACTED, That the ſaid courts ſhall have power, in the trial of actions of law, motion made at the firſt court after the appearance court, ſupported by affidavit, that the ſame ot intended for delay, and due notice thereof being given, to require the parties to produce es, certified by a juſtice of the peace, of all ſuch parts of all books or writings in their poſſeſ- or power as contain evidence pertinent to the iſſue, or to anſwer any bill for diſcovery only ch may be filed by the ſecond court after the appearance court, in caſes and under circumſtances

where

CHAP. XLIII.

where they might be compelled to produce the ſaid original books or writing, or anſwer ſuch bill of diſcovery by the ordinary rules of proceeding in chancery; and if a plaintiff ſhall fail to comply with any ſuch order to produce ſuch books or writings, or anſwer ſuch bill of diſcovery, it ſhall be lawful for the ſaid courts, on motion, to give the like judgment for the defendant as in caſes of non ſuit; and if a defendant ſhall fail to comply with ſuch order to produce books or writings, or to anſwer any bill for diſcovery only, it ſhall be lawful for the ſaid courts, on motion as aforeſaid, to give judgment againſt him, her or them, by default; provided, that any plaintiff or defendant may in compliance with any rule for producing extracts of ſuch books or papers, bring into court the original books or papers.

Juſtices not to act as attornies, &c.

VIII. AND BE IT ENACTED, That neither the chief juſtice of any diſtrict, or any of the aſſociate juſtices, ſhall, after their appointment and qualification, act as an attorney or ſolicitor in any court of law or equity in this ſtate during the time that they ſhall reſpectively act as ſuch.

Cauſes, &c. to be returned, &c.

IX. AND BE IT ENACTED, That all cauſes, pleas, proceſs and proceedings, relative to any cauſe civil or criminal, which ſhall be returnable to, or depending before, the ſeveral county courts of this ſtate, when this act ſhall commence, ſhall be returned to the ſeveral county courts conſtituted by this act, at the times herein before appointed for the holding of each court, and ſhall be heard tried and determined therein, in the ſame manner as if no change had been made in the ſaid courts; and all writs iſſuing out of any of the ſaid county courts ſhall be teſted in the name of the chief juſtice, and in caſe of his death, reſignation or diſqualification, before a new appointment, in the name of the aſſociate juſtice firſt named in the commiſſion; and all writs ſhall be returnable on the days appointed by this act.

Commitments, &c. to be returned, &c.

X. AND BE IT ENACTED, That all commitments and recognizances for all felonies, crimes, offences or miſdemeanors, committed in the ſeveral counties, and triable by law in the county court, ſhall be returned to the juſtices appointed in virtue of this act by the juſtice making ſuch commitment, or taking ſuch recognizance, on the firſt day of holding the county court of their county; and all ſheriffs, clerks, and all other civil officers, ſhall execute and perform the ſame offices and duties, under the ſame penalties as they are now obliged by law to perform and execute them in the county courts as now eſtabliſhed.

How long actions ſhall continue.

XI. AND BE IT ENACTED, That no action, to be commenced in any county court appointed by virtue of this act, ſhall continue longer than the end of the firſt court after the imparlance court unleſs by conſent of parties, at the diſcretion of the court, or ſuch cauſe as the law may allow for the continuance of ſuits beyond the time limitted ſhall appear to the ſatisfaction of the court.

In certain ſuits defendants may lay a rule, &c.

XII. AND BE IT ENACTED, That in all caſes where ſuits may hereafter be brought by any perſon or perſons, nonreſidents of this ſtate, or who may remove out of the ſtate after the bringing of ſuch ſuit or ſuits, the defendant or defendants againſt whom ſuch ſuit may be commenced, or his, her or their attorney, may lay a rule, at or before the trial court, on ſuch plaintiff or plaintiffs, or his, her or their attorney, to give ſecurity for all coſts and charges that the ſaid defendant or defendants may be put to in caſe ſuch plaintiff or plaintiffs ſhall be nonſuited, or judgment be given against them, and in caſe of non-compliance with ſuch rule, judgment of nonſuit ſhall be entered; provided nevertheleſs, that if any defendant or defendants ſhall lay a rule on any plaintiff or plaintiffs for ſecurity for coſts at the trial court, that then and in ſuch caſe the court granting ſaid rule, may, at the inſtance or motion of the plaintiff or plaintiffs, by his, her or their counſel, in their diſcretion continue ſaid cauſe until the next term.

Who are liable for coſts in certain actions, &c.

XIII. AND BE IT ENACTED, That when any action ſhall be brought, and it ſhall be entered upon the record that ſuch ſuit is brought for the uſe of any other perſon or perſons, and the plaintiff or plaintiffs in ſuch action ſhall diſcontinue or ſtrike off his, her or their ſaid action, or be nonſuited thereon, or in caſe there ſhall be a judgment or verdict in favour of the defendant or defendants, the party or parties for whoſe uſe the action was inſtituted ſhall be anſwerable for the legal coſts of ſuit, and may be proceeded againſt by attachment againſt the perſon or property of ſuch party or parties for the recovery of the ſame, in the ſame manner as if he, ſhe or they, had been entered by rule of court the ſecurity for ſuch coſts of ſuit.

Perſons not to be arreſted out of the county, &c.

XIV. AND BE IT ENACTED, That it ſhall not be lawful for any perſon whatſoever to cauſe any inhabitant of this ſtate to be arreſted out of the county where he or ſhe doth reſide, by virtue of any *capias ad reſpondendum*, or *capias ad ſatisfaciendum*, for any debt, damage or coſt, until the ſheriff or coroner

ner of the county where such defendant shall reside shall have returned a *non est inventus* on a *s ad respondendum*, or *capias ad satisfaciendum*, issued at the request of the said person against the ndant.

Plaintiff shall suffer a nonsuit, &c.

V. AND BE IT ENACTED, That if any person be arrested upon a *capias ad respondendum*, contrary e intent of this act, the plaintiff in the said action shall suffer a nonsuit, and pay the defendant or her reasonable costs and charges, to be adjudged him or her by the court from whence such ess issued; and if any person be taken in execution contrary to the directions hereof, the court whence such execution issued shall discharge him or her from his or her imprisonment; provided ys, that nothing in this act contained shall extend to the benefit or advantage of any person who fly from justice in the county where they live, but that such persons may be arrested in any ty wherever they may be found.

No commission to issue, &c.

VI. AND BE IT ENACTED, That after the commencement of this act no commission shall issue ny person, except to the said several chief justices and associate justices, to be a justice of any ty court, but only to be a justice of the peace of such county; and upon the issuing of any com- on, the justices appointed therein shall assemble, as soon as convenient, at the court-house of r county, and qualify as heretofore, but if any of the persons appointed are absent at the time eeting, they may qualify at any time before any one of them who have before qualified; and y person appointed a justice of the peace, as such shall have the same power and jurisdiction as justice of any county court now hath by law out of court; and the justices of the peace appoint- or any county, or any five or more of them, shall meet at the court-house of their county, at ime appointed by law for laying their county assessment, and they are hereby required then and e to lay the assessment of their county as heretofore, and the clerk of their county shall attend for that purpose; and the said justices of the peace shall and they are hereby required to per- and execute, in their respective counties, all the duties and offices committed to the county ts by the law for the inspection of tobacco; and each of the said justices of the peace shall have receive at the rate of two dollars a day while attending on the public service aforesaid, to be ed in their county assessment.

Justices to take the oaths, &c.

VII. AND BE IT ENACTED, That every justice appointed and commissioned in virtue of this act , before he acts as such, take the oaths of fidelity and support to this state, as required by the titution and laws thereof, provided he hath not before taken the same, and also the oath of jus- as required by the act of February session, seventeen hundred and seventy-seven. *

* Chapter 5.

How vacancies are to be filled.

VIII. AND BE IT ENACTED, That if the chief justice of any county court, appointed and com- oned in virtue of this act, shall refuse to act, or after acceptance shall resign, die, remove out of district, or be rendered incapable to act, or if any associate justice, appointed and commissioned in ue of this act, shall refuse to act, or after acceptance shall resign, die, be rendered incapable to or remove out of the county, the governor for the time being, with the advice and consent of council, is hereby authorised and requested to appoint and commission another fit and proper per- to fill such vacancy.

Chief justice to have all the powers, &c.

IX. AND BE IT ENACTED, That every chief justice of any county court, appointed and com- oned in virtue of this act, shall have, within the district for which he shall be appointed, all the ers and jurisdiction of a justice of the peace, except only as to the hearing and determining in case of small debts out of the court; and every associate justice, appointed and commissioned in ue of this act, shall have, within the county for which he shall be appointed, all the powers and sdiction of a justice of the peace out of court, except only as to hearing and determining in the of small debts out of court, and sitting as a justice of the peace in the levy court.

And may direct the clerk, &c.

X. AND BE IT ENACTED, That the said chief justice, or either of the associate justices, may, of court, direct the clerk to enter judgments by confession, or *non sum informatus*, and such judge- t shall be as legal and valid as if entered in court during its sitting.

Salary to chief justice, &c.

XI. AND BE IT ENACTED, That every chief justice, appointed and commissioned in virtue of act, shall receive, as a compensation for his services, as follows, to wit: For the first district at rate of twelve hundred dollars *per annum*. to be paid by Saint-Mary's, Calvert, Prince-George's Charles counties, in proportion to the amount of assessable property in each of the said counties ectively, the said amount to be ascertained in each year by reference to the last general assessment roperty; for the second district at the rate of twelve hundred dollars *per annum*, to be paid by

Cæcil,

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Cæcil, Kent, Queen-Anne's and Talbot counties, in the ſame proportion, to be aſcertained as aſ
ſaid; for the third diſtrict at the rate of twelve hundred dollars *per annum*, to be paid by A
Arundel, Baltimore and Harford counties, in the ſame proportion, to be aſcertained as aforeſ
for the fourth diſtrict at the rate of twelve hundred dollars *per annum*, to be paid by Caroline, D
cheſter, Somerſet and Worceſter counties, in the ſame proportion, to be aſcertained as aforeſ
for the fifth diſtrict at the rate of twelve hundred dollars *per annum*, to be paid by the counti
Waſhington, Frederick, Montgomery and Allegany, in the ſame proportion, to be aſcertaine
aforeſaid; and the juſtices of the peace in the ſeveral counties ſhall aſſeſs, in their county aſſeſſm
the ſum payable by their reſpective counties as aforeſaid, with a commiſſion of ſix *per cent.* for col
tion; which ſaid ſums ſhall be collected with the county aſſeſſment, and paid by the collector to
chief juſtice of their reſpective diſtrict, within ſix months next enſuing the laying of the ſaid a
ment.

By 1797, ch. 69, the compenſation is increaſed to 1,400 dollars for the third diſtrict, and to 1,300 dollars for each o
others, and the treaſurer of the weſtern ſhore is directed to pay the ſaid ſalary quarterly, and to receive from the collector
ſums that may be levied therefor.

Clerk to certify yearly, &c.

XXII. AND BE IT ENACTED, That the clerk of every county ſhall, yearly, on or before the
day of April, certify, under his hand and ſeal of office, the amount of the aſſeſſable property in
county, and lodge one certificate thereof with the clerks of each county in his diſtrict, under
penalty of fifty dollars.

And make out two copies, &c.

XXIII. AND BE IT ENACTED, That the clerks of the reſpective county courts ſhall, under
penalty of fifty dollars for every omiſſion or neglect, in the month of November yearly, during
continuance of this act, make out and tranſcribe two fair copies of the levy liſt allowed by the
tices of the reſpective levy courts againſt the ſaid counties, containing the ſeveral charges and ſ
levied and aſſeſſed on their reſpective counties, one copy whereof ſhall be tranſmitted to the cler
the ſenate, and the other copy thereof to the clerk of the houſe of delegates, for the informatio
the general aſſembly.

Compenſation to aſſociate juſtices, &c.

XXIV. AND BE IT ENACTED, That each aſſociate juſtice, appointed and commiſſioned in vir
of this act, ſhall receive, as a compenſation for his ſervices, the ſum of three (a) dollars for ev
day he ſhall attend the duty of his office, and the ſaid allowance ſhall be aſſeſſed in the aſſeſſment
his county.

(a) Increaſed to four dollars by 1799, ch. 90.

Sheriff to pay in thirty days, &c.

XXV. AND BE IT ENACTED, If any collector ſhall not pay the allowance to any chief juſtice
truſted to his collection by virtue of this act, (b) within thirty days after the ſame ſhall become d
it ſhall be lawful for the perſon not paid to file an atteſted copy of his bond in the general court,
in the county court where ſuch collector ſhall reſide, with an affidavit of the ſum due, and a dem
and refuſal of payment, and thereupon execution ſhall iſſue againſt ſuch collector and his ſecuriti
and if payment be alleged, the court may, on motion, impannel and charge twelve of the atte
ing jurors to inquire into the fact, and upon their verdict commit, releaſe, or give ſuch other rem
as the nature of the execution and juſtice may require.

(b) See the note under ſection 21.

Juſtices to do certain matters, &c.

XXVI. AND, whereas by divers acts of aſſembly the juſtices of the county courts are authori
and enjoined to do ſundry matters and things at the county courts to be held in certain months
the ſaid acts mentioned, and in many inſtances there is an alteration of the time of holding the ſ
county courts by this act, BE IT ENACTED, That in all caſes where the courts are by this act dire
ed to be held in different months from thoſe mentioned in the ſaid acts of aſſembly, or any of the
it ſhall be lawful for the juſtices of the county courts, to be commiſſioned in virtue of this act, to
and perform all ſuch matters and things at ſuch time in each year as they ſhall think convenie
either at their court in courſe, or an adjourned court.

Courts adjourned, &c.

XXVII. AND, whereas ſome of the county courts may ſtand adjourned to a period ſubſequent
the time above ſpecified for holding ſaid court, BE IT ENACTED, That the ſaid courts, ſo adjourn
ſhall and they are hereby adjourned to the Monday next preceding the days above mentioned f
holding the ſaid courts reſpectively.

Taxes on proceſs.

XXVIII. AND, as a fund towards payment of the above annual ſum to the chief juſtices of t
ſeveral diſtricts, BE IT ENACTED, That the following taxes ſhall be paid on the following proc
and proceedings in the county courts of this ſtate, to wit: On every writ of ejectment, partition
dow

, one dollar; on every writ of treſpaſs *quare clauſum fregit*, ſeventy-five cents; on every other al writ, twenty-five cents; on every appeal, writ of error, *habeas corpus*, *cum cauſa*, or *certiorari*, ollar; on every commiſſion to mark and bound lands, one dollar.

By 1797, ch. 69, theſe taxes are to be paid at the time of iſſuing, &c. and are to be allowed in the coſts of ſuit.

To be paid to the clerks, &c.

IX. AND BE IT ENACTED, That the ſaid taxes ſhall be paid to the clerks of the reſpective ies at the time of iſſuing the ſaid proceſs or commiſſions, or of entering the ſaid appeals, or cing the ſaid writs of error, *habeas corpus*, or *certiorari*, by the perſons applying for the ſaid pro- r commiſſions, or deſiring the ſaid appeal to be entered, or producing the ſaid writs of error, *corpus*, or *certiorari*, and ſhall be allowed and taxed in the coſts of ſuit; and the clerk of every y ſhall, every ſix months, ſettle his accounts, on oath or affirmation, with the treaſurer of his and ſhall pay the ſum adjuſted to the ſaid treaſurer, for the uſe of the chief juſtice of his diſ- (a) within thirty days after ſuch ſettlement, on the penalty of paying twenty *per cent.* on the y in his hands; and every county clerk may retain at the rate of three *per cent.* for his trouble eiving and paying the ſaid fees according to this act.

(a) See the note under ſection 21.

Juſtices to aſcertain the amount, &c.

X. AND BE IT ENACTED, That the juſtices of the peace for the ſeveral counties, at the time ying their county aſſeſſment for the year ſeventeen hundred and ninety-ſeven, and every year after, ſhall aſcertain the amount of the money collected in their county from the tax herein be- mpoſed, by a certificate from the clerk of their county, and thereupon the ſaid juſtices, after ting the ſum ſo paid by their clerk, ſhall lay ſuch ſum on their county as will make up the defi- y of the ſum payable by their county as aforeſaid towards the annual allowance to the chief of their diſtrict, and the aforeſaid commiſſion for collection; and if there ſhall be any ſurplus e money paid into the treaſury by the clerk of any county beyond what will pay the quota of county, the ſaid ſurplus ſhall be applied to the uſe of the ſaid county.

Fees to juſtices.

XI. AND, whereas the office and duties of juſtices of the peace are conſiderably increaſed in everal counties of this ſtate, and it is reaſonable that every perſon who dedicates his time or r to the public ſhould receive a reaſonable and adequate compenſation for his ſervices, BE IT TED, That it ſhall and may be lawful for the ſeveral juſtices of the peace, and aſſociate juſtices, e ſeveral counties of this ſtate, to aſk and receive the fees allowed and limitted by this act, for ces expreſſed in the following table, and ſuch fees ſhall be taxed and paid by the party againſt n judgment ſhall be rendered, to wit: For iſſuing a warrant for debt, twelve and an half cents; ll ſummons, including all the witneſſes applied for at the ſame time, twelve and an half cents; e to ſummon freeholders, twenty cents; *capias ad ſatisfaciendum*, twelve and an half cents; *fieri* , twelve and an half cents; *ſcire facias*, twelve and an half cents; recognizance for defendant's arance, twelve and an half cents; ſuperſedeas of judgment in the general or county court, each e twelve and an half cents; every oath or affidavit, ſix cents; probat of account, ſix cents; judgment rendered, twelve and an half cents; commitment, twelve and an half cents; re- ment, twelve and an half cents; warrant of attachment, twenty-five cents; attendance on va- on of orphans eſtates, per day, two dollars; return thereon, ſeventy-five cents; *venire* to ſum- a jury in a forcible entry and detainer, ſeventy-five cents; taking inquiſition and return thereon, dollars; warrant of reſtitution, ſeventy-five cents; taking acknowledgment of any deed, each e twenty-five cents, including all the perſons acknowledging at the ſame time; taking any other owledgment, twelve and an half cents; taking appeal bond, twenty-five cents; taking a bail- e to the general or county courts, twenty-five cents; a paſs, twenty-five cents; certificates of s, thirty-ſeven and an half cents; taking inſpectors bonds, each juſtice twenty-five cents; pro- of county clerk's bond, each juſtice twenty-five cents.

Juſtices to write probats, &c.

XII. AND BE IT ENACTED, That it ſhall be the duty of all and every juſtice of the peace to e and prepare all probats, affidavits, ſuperſedeaſes, and other inſtruments to be executed by n in virtue of this law, when required, except in caſes of acknowledgment of deeds.

And take an oath, &c.

XIII. AND BE IT ENACTED, That every juſtice of the peace, or aſſociate juſtice, before he as ſuch, ſhall take an oath, that he will not, directly or indirectly, receive any greater fee or ard for any thing in his office as juſtice of the peace than what is allowed by this act; and if any iate juſtice, or juſtice of the peace, by colour of his office, ſhall receive any fee or reward for ſervice not ſpecified in this act, or if any aſſociate juſtice, or juſtice of the peace, ſhall receive greater fee or reward for any ſervice mentioned in this act than is hereby allowed, he ſhall for-

CHAP. XLIII.

feit one hundred dollars for every ſuch offence, but ſuch juſtice ſhall not be liable to proſecution ter twelve months from the time of the offence committed.

Acts repealed.

XXXIV. AND BE IT ENACTED, That the act, entitled, An act for the better adminiſtratio juſtice in the ſeveral counties of this ſtate, paſſed at November ſeſſion, ſeventeen hundred and n

* Chapter 33.

ty, * excepting the ſaid fourth ſection in the ſaid original act, and the ſeveral ſupplementary thereto, be and the ſame are hereby repealed and annulled.

Duration.

XXXV. This act to continue and be in force till the twentieth day of October, eighteen hund and until the end of the next ſeſſion of aſſembly that ſhall happen thereafter.

CHAP. XLIV.

Paſſed 30th of Dec. 1796.

A Further ſupplement to an act, (a) entitled, An act to lay out ſev ral turnpike roads in Baltimore county, and for other purpo Lib. JG. No. 2. fol. 493.

(a) April, 1787, ch. 23.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the commiſſioners of review of timore county, appointed under the act of November ſeſſion, ſeventeen hundred and nin

* Chapter 45.

five, * entitled, A ſupplement to an act, entitled, An act to lay out ſeveral turnpike roads in B more county, have not, in all inſtances, reviewed and confirmed the roads, as laid down under original acts to which the above law is a ſupplement, and many inconveniencies have ariſen to t through whoſe lands the ſaid roads have been laid out, from the ſtate of uncertainty in which proprietors remain as to the final direction of ſaid roads; therefore,

Commiſſioners to review, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid commiſſioners of review a majority of them, ſhall, on or before the firſt Monday of September next, (b) review, and ultima ly aſcertain, the directions of all roads which, by the original act to which this is a further ſupp ment, they are authoriſed to review, and ultimately aſcertain, not heretofore reviewed and aſc tained agreeably to the proviſions of the original act; and when the ſaid road or roads ſhall be aſcertained, a plot ſhall be returned thereof within two months to the county clerk of Baltimo for the purpoſe of being recorded.

(b) By 1797, ch. 105, the time is enlarged to the firſt Monday in October, 1798, and by 1798, ch. 53, to the firſt Mon in October, 1799.

Make out new plots, &c.

III. AND BE IT ENACTED, That the ſaid commiſſioners, in caſe any plot or plots of road or ro laid out under the act to which this is a ſupplement, ſhall have been loſt, and not returned as direc by the ſaid act, either before or after the ſaid road or roads had been reviewed and fixed, the commiſſioners of review ſhall, in any manner which to them ſhall ſeem beſt, make out new plo and return the ſame in the manner directed under the original acts to which this is a ſupplemen provided, that nothing herein contained ſhall be ſo conſtrued as to authoriſe the ſaid commiſſione to alter the direction of any road already reviewed and confirmed, although the plot or plots there may, from ſome accident or other, have been loſt.

And meet every month, &c.

IV. AND BE IT ENACTED, That the ſaid commiſſioners of review ſhall meet on the firſt Mond in every month, at ſome convenient place in Baltimore-town or county, to be determined by a ma jority of the ſaid commiſſioners; and if any commiſſioner ſhall fail to attend for three ſucceſſi meetings, without a reaſonable excuſe, to be approved of by the commiſſioners attending, the ſa commiſſioners ſhall certify to the commiſſioners of the tax the name of the commiſſioner of revie ſo failing to attend, and the ſaid commiſſioners of the tax ſhall thereupon proceed to appoint a ne commiſſioner of review in the place of the perſon ſo failing to attend as aforeſaid.

Supervifors to ſettle, &c.

V. AND BE IT ENACTED, That the ſupervifor or ſupervifors appointed by the commiſſioners review, ſhall, in every year, on or before the firſt Monday in October, ſettle his account, on oa with the commiſſioners of review, wherein ſhall be ſtated a full account of all monies received a expended by the ſaid ſupervifor in virtue of his office, accompanied with all vouchers relati thereto, the ſaid account to be exhibited to the levy court, at their annual meetings in the mon of November, to be by them inſpected and examined, and afterwards lodged in the clerk's office Baltimore county.

VI. A

CHAP. XLIV.

AND BE IT ENACTED, That any commiſſioner of review who ſhall continue to act after the ...day of February next, and doth refuſe or neglect to do and execute the duties required by the ...al act, or the ſupplements thereto, ſhall and may, on preſentment and conviction thereof in ...more county criminal court, (a) be fined any ſum not exceeding twenty dollars for every ſuch ...e. Penalty for neglect, &c.

(a) See the alteration in this court by 1799, ch. 58.

AND BE IT ENACTED, That each of the commiſſioners of review ſhall be allowed one dollar ...hirty-three cents for each and every day they ſhall be employed in the execution of their truſt, ...paid by the county aforeſaid. Commiſſioners allowance.

CHAP. XLV.

AN ACT permitting the proprietors of lots binding on the water at the weſt end of the baſon in Baltimore-town to extend and improve the ſame. Lib. JG. No. 2. fol. 495.

Paſſed 30th of Dec. 1796.

A Supplement 1797, ch. 64.

WHEREAS a number of inhabitants of Baltimore-town, by their petition to the general aſſembly, have ſet forth, that for the want of convenient wharfs at the weſt end of Baltimore-..., that part of ſaid town is deprived of many advantages which it would otherwiſe enjoy, and ...fore prayed that a law might paſs granting the proprietors of water lots permiſſion to extend ...harf out the ſame; Preamble.

BE IT THEREFORE ENACTED, *by the General Aſſembly of Maryland*, That each and every of the ...ietors of lots binding on and entitled to the privileges of the water at the weſt end of Balti-...town, between Pratt-ſtreet and Foreſt-ſtreet, ſhall be and are hereby permitted to wharf out, ...d and improve the whole front of their ſeveral lots reſpectively, and for ſuch diſtance as from ...to time they may think fit, until they interſect the eaſt ſide of a line drawn from the eaſt ſide ...ght-ſtreet to the eaſt ſide of Foreſt-ſtreet; provided the whole front of each proprietor's lot ...d be extended, and no dock or vacant ſpace left on part thereof. Proprietors may wharf out, &c.

AND BE IT ENACTED, That the proprietors of ſaid wharfs ſhall be entitled, ſolely and ex-...ely, to the emoluments ariſing from the wharfage thereof; provided always, that the proprietor ...oprietors of ſaid lots, in making out and extending the ſame, ſhall be ſubject to the rules, ...ations and ordinances of the board of wardens, or other conſtituted authority of Baltimore-..., reſpecting the manner the ſaid wharfs ſhall be extended, and alſo for the regulation of the ...fage thereof; and provided alſo, that eighty feet of the ſaid wharfs, when ſo made out and ex-...d, at the end thereof, parallel with the line of Foreſt-ſtreet, ſhall be deemed, taken and con-...d, as a public highway for ever thereafter, reſerving nevertheleſs to the proprietors of the ſaid ...s the benefit and advantage of the wharfage thereof, under the limitations aforeſaid. And be entitled to emoluments, &c.

AND BE IT ENACTED, That the ſeveral ſtreets hereafter named, to wit: Lee-ſtreet, Barré-..., Conway-ſtreet and Cambden-ſtreet, be continued and extended their preſent breadth to the ...ſection of a line from the eaſt ſide of Light-ſtreet drawn and continued to Foreſt-ſtreet, and ... and each of them ſhall be reſpectively deemed and conſidered for ever hereafter public ...ways. Streets continued, &c.

AND BE IT ENACTED, That each and every proprietor or proprietors of a lot or lots binding ...he ſaid ſtreets reſpectively, and entitled to be extended by this law, ſhall, at the time of ex-...ng or wharfing out the front of their ſeveral lots, extend, fill up and wharf out, the ſaid ſtreets ...ctively, ſo far as the ſaid lots are extended, improved and wharfed out, and not farther; and in ...deration of the expence and trouble attending the ſame, the perſon or perſons ſo binding on ...treets, and ſo filling up, continuing and extending, ſaid ſtreets, ſhall be for ever entitled to the ... of wharfage on and at the end of ſaid ſtreets reſpectively, according to the number of feet ... by them reſpectively filled out, and to all the profits and advantages thereof; provided, that ...e ſpecial commiſſioners of Baltimore-town ſhall elect to fill up, extend or wharf out, ſaid ſtreets, ...y of them, they are hereby authoriſed and empowered ſo to do, at the public expence, and to ...n the right, profits and emoluments, of wharfage at the reſpective terminations of ſaid ſtreets ...he uſe and benefit of Baltimore-town, or to declare the ſame free and public wharfs; provided ...that the ſaid ſpecial commiſſioners ſhall, upon application to them made by the perſon or perſons Proprietors to extend ſtreets, &c.

CHAP. XLV.

holding lots binding on ſaid ſtreets, or any of them, elect, within thirty days after ſuch applicat whether they will make out and extend ſaid ſtreets or not.

Street extended.

VI. AND BE IT ENACTED, That Charles-ſtreet ſhall be and is hereby extended and opened f Cambden-ſtreet to Barré-ſtreet.

By 1797, ch. 64, the city commiſſioners are empowered to extend and open the ſaid ſtreet, and proviſions are made fo demnification to the perſons holding lots.

* 1784, ch. 39.

VII. AND, whereas by an act of aſſembly,* entitled, An act to empower the commiſſioner Baltimore-town to make a correct ſurvey of the ſaid town, and for other purpoſes therein mentio it was among other things enacted, that certain commiſſioners were thereby authoriſed and mitted to make and open a canal, not exceeding forty feet wide, and of a convenient and reaſon depth, from the upper part of the baſon of Baltimore-town to the ferry branch of Patapſco ri beginning the ſame on the baſon at a ſtreet called Foreſt-ſtreet: And whereas two of the ſaid miſſioners are ſince dead, and the law yet remains unexecuted; therefore, BE IT ENACTED, T James Carroll, Richard Caton, Chriſtopher Johnſon, David Williamſon and George Preſſman, majority of them, be and are hereby authoriſed and empowered to carry the proviſions of the act into execution, reſpecting the ſaid canal, in as full and ample manner, to all intents and poſes, as the commiſſioners nominated under ſaid recited act might heretofore have done, any to the contrary thereof in this preſent act notwithſtanding; and that they, or a majority of t have full power and authority to lay out and run the ſaid canal along Foreſt-ſtreet aforeſaid, as convenient, towards the ſaid ferry branch; provided, that in caſe the ſaid commiſſioners, majority of them, ſhall not proceed to open and complete the ſaid canal within the term of ſ years from the paſſage of this act, that then and in caſe all and every of the powers hereby v in the ſaid commiſſioners, or a majority of them, for opening ſaid canal, and all powers heret in any manner veſted in any other perſons by virtue of the aforeſaid act, entitled, An act to power the commiſſioners of Baltimore-town to make a correct ſurvey of the ſaid town, and for purpoſes therein mentioned, ſo far as the ſame relate to the ſaid canal, ſhall ceaſe and be end.

Commiſſioners appointed, &c.

CHAP. XLVI.

Paſſed 30th of Dec. 1796.

An ACT to correct a miſnomer in an act, entitled, An act concer ing the bank ſtock. Lib. JG. No. 2. fol. 497.

Preamble.

WHEREAS by an act of the general aſſembly of this ſtate, paſſed at November ſeſſion, ſe teen hundred and ninety-one,* entitled, An act concerning the bank ſtock, it is, am other things, provided, that Samuel Chaſe, Eſquire, the agent and truſtee of this ſtate for th covery of the ſtock of the bank of England belonging to this ſtate, on obtaining a decree i chancery court of Great-Britain for the ſaid ſtock, and an aſſignment and transfer thereof from accountant-general of the ſaid court of chancery, and for payment of any money in the hands o ſaid accountant-general, or in the hands of Sylvanus Grove, late and only ſurviving truſtee o ſaid ſtock, and not inveſted in the purchaſe of ſtock, ſhould be authoriſed and directed to a transfer and pay, all bank ſtock and money by him received, after deducting his commiſſion there unto Sir James Herries, William Murdock, Joſhua Johnſon and Horatio Clagett, of the city of L don, merchants, who were thereby appointed truſtees on behalf of this ſtate to receive from the agent the ſaid transfer and payment, and they were thereby authoriſed and required to receiv dividends ariſing on the ſaid ſtock, and inveſt them from time to time in the purchaſe of more ſ and to return an annual account of their proceedings to the governor of this ſtate, and to act a do certain other things in the premiſes: And whereas it was the intention of the general aſſe to delegate ſaid powers to a certain Sir Robert Herries, inſtead of Sir James Herries, named;

* Chapter 86.

Powers revoked, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That all powers, authority and truſ the above in part recited act delegated or committed to the ſaid Sir James Herries, be and the revoked, annulled and made void; and that Sir Robert Herries, of the city of London, merc henceforth have, poſſeſs and enjoy, all the power, authority and truſt, by the aforeſaid act giv the ſaid Sir James Herries, in as full and ample a degree as if the name of the ſaid Sir Robert ries had been inſerted in the ſaid act in lieu and place of the name of Sir James Herries, any in ſaid act to the contrary notwithſtanding.

CH

CHAP. XLVII.

AN ACT to authoriſe and empower the veſtry of William and Mary pariſh, in Charles county, to ſell and diſpoſe of the negroes belonging to ſaid pariſh, and for other purpoſes. Lib. JG. No. 2. fol. 498.

Paſſed 30th of Dec. 1796.

WHEREAS the rector, veſtrymen, churchwardens, and the other inhabitants of William and Mary pariſh, in Charles county, by their petition to this general aſſembly have repreſented, there are belonging to the ſaid pariſh a number of negroes, many of whom are unfit for labour, are expenſive to the ſaid pariſh, and have prayed that a law may paſs to authoriſe and empower veſtry of the ſaid pariſh to diſpoſe of all or ſo many of the ſaid negroes as they may think pro- and it appearing to this general aſſembly that the prayer of the ſaid petitioners ought to be ted, Preamble.

. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for the y of William and Mary pariſh, in Charles county, and they are hereby authoriſed and empower- to ſell and diſpoſe of, by private or at public ſale, upon a credit or for ready money as they may e moſt conducive to the intereſt of the ſaid pariſh, all or ſo many of the negroes belonging to ſaid pariſh as they may think proper, and the money ariſing from ſuch ſales to inveſt in real or r property, in their diſcretion, for the uſe and benefit of the ſaid pariſh. Veſtry may ſell, &c.

I. PROVIDED NEVERTHELESS, AND BE IT ENACTED, That the ſaid veſtry ſhall not inveſt in real e a greater ſum of money ariſing from ſuch ſales than two thouſand pounds current money of yland. Proviſo.

V. AND BE IT ENACTED, That the lands, tenements and other property, which may be pur- ed by the ſaid veſtry in purſuance of this act, ſhall be conveyed to and veſted in the veſtry of liam and Mary pariſh, as truſtees of the ſaid pariſh. Lands to be conveyed, &c.

CHAP. XLVIII.

AN ACT to empower the levy court of Anne-Arundel county to aſſeſs a ſum of money for the purpoſe therein mentioned. Lib. JG. No. 2. fol. 499.

WHEREAS Anne Welſh, of Anne-Arundel county, by her petition to this general aſſembly has ſet forth, that ſhe is, through age and infirmities, rendered incapable of maintaining her ghter Ciney Welſh, (now in her thirtieth year, and an idiot from her birth,) and that her ſaid ghter is not capable of helping herſelf in any manner, and prays that a law may paſs for the ſup- t of her daughter out of the poor-houſe; and the prayer of the ſaid petition appearing reaſonable, Preamble.

I. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Anne-Arundel coun- ſhall be and they are hereby directed and empowered, at their levy courts annually, ſo long as y may ſee cauſe, to aſſeſs and levy on ſaid county a ſum of money, not exceeding forty dollars, the ſupport and maintenance of the ſaid Ciney Welſh, daughter of the aforeſaid Anne Welſh, d that the ſame be collected and paid annually to the aforeſaid Anne Welſh by the collector or llectors of Anne-Arundel county, agreeable to the order of the levy court aforeſaid. Juſtices to levy money, &c.

CHAP. XLIX.

AN ACT to prevent hogs from going at large at George-town Croſs Roads, in Kent county. Lib. JG. No. 2. fol. 500.

WHEREAS it is repreſented to this general aſſembly, that ſundry perſons do raiſe and keep great number of hogs, and ſuffer them to go and remain at large, within ſaid village, to the eat injury of the inhabitants thereof; Preamble.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That after the end of this ſeſſion of aſ- mbly it ſhall not be lawful for any perſon or perſons whatſoever to raiſe or keep any hog or hogs thin ſaid village, except in encloſures; and if any hog or hogs ſhall be found going and remaining large within the ſaid village, it ſhall and may be lawful for any perſon to impound the ſame, and No perſon to raiſe or keep hogs, &c.

ſuch.

CHAP. XLIX.

such perſon ſhall immediately give notice, by advertiſements ſet up at the moſt public places in t village, deſcribing the hog or hogs ſo impounded, and if the owner or owners thereof ſhall within ten days thereafter, prove his or her property therein, and make compenſation for the inj if any, which may have been ſuſtained by any inhabitant of ſaid village, to be aſcertained by two diſintereſted perſons, inhabitants as aforeſaid, and ſhall not pay for each hog ſo impounded ſhillings for every day it ſhall have been impounded, it may be lawful for the perſon or perſons ſo pounding as aforeſaid to ſell or kill the ſame for his, her or their own uſe and benefit.

General iſſue pleadable, &c.

III. AND BE IT ENACTED, That if any perſon or perſons ſhall be ſued and impleaded for kill deſtroying or ſelling, any hog or hogs as aforeſaid, the defendant or defendants may plead the ge ral iſſue, and give this act and the ſpecial matter in evidence; and if the plaintiff ſhall be non or diſcontinue his ſuit, he ſhall pay coſts, and ſuch damages to the defendant or defendants as court ſhall adjudge.

CHAP. L.

Paſſed 30th of Dec. 1796. * 1784, ch. 2.

A Further ſupplement to an act, * entitled, An act to eſtabliſh a ma ket at the market-houſe in Cheſter-town, in Kent county, and the regulation of the ſaid market. Lib. JG. No. 2. fol. 500.

Preamble.

WHEREAS there is no proviſion made in the act to which this is a ſupplement agai the offences of foreſtalling and engroſſing articles brought to the market-houſe in Chest town for ſale: And whereas it is repreſented to this general aſſembly, that the ſaid offences h become very frequent and prejudicial to the inhabitants of the ſaid town,

Penalty on perſons engroſſing, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That any perſon or perſons who, fr and after the firſt day of February next, ſhall engroſs or get into his, her or their hands or poſſeſſi by purchaſe, contract or promiſe, either within the ſaid market-houſe or any where within two mi thereof, any victuals or proviſions whatever, (except fiſh and oyſters, beef by the quarter or lar quantity, pork by the hog or hogs, corn, flour and bread, butter in veſſels exceeding twenty pou net, cheeſe, beef or pork in barrels or larger caſks, live cattle, ſheep and hogs,) with the int to ſell the ſame again within the ſpace of twenty days, ſhall, for every ſuch offence, forfeit and p the ſum of fifty ſhillings current money, to be recovered by warrant before any juſtice of the pe for Kent county, with coſts, in the name of the preſiding juſtice of the orphans court of Kent co ty; and it is hereby declared to be the duty of the clerk of the ſaid market to inſtitute proceſs the recovery of the ſame.

How fines, &c. are to be applied.

III. AND BE IT ENACTED, That all fines and penalties impoſed and to be recovered by virtue this act ſhall be applied to the purpoſes, and in the manner, that fines, forfeitures and penalti are directed to be applied by the act to which this is a ſupplement.

CHAP. LI.

An ACT to record Peters, Deakins, Beatty and Threlkeld's additio to George-town, in Montgomery county. Lib. JG. No. 2. fol. 50

Preamble.

WHEREAS Robert Peters, William Deakins, junior, John Threlkeld, and others, inhabita of George-town, in Montgomery county, by their petition to this general aſſembly have ſ forth, that the addition to George-town aforeſaid, laid out by Robert Peters, William Deakins, j nior, Charles Beatty and John Threlkeld, containing ſixty-five lots, authoriſed by an act of the g neral aſſembly of this ſtate, paſſed in the year ſeventeen hundred and eighty-four, entitled, An for an addition to George-town, is not recorded, have prayed, that an act may paſs to record t ſame in the clerk's office of the territory of Columbia; therefore,

Plot to be recorded. * Chapter 45.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the plot made out by Francis De kins, and directed by the act of ſeventeen hundred and eighty-four * to be depoſited with the co miſſioners of George-town aforeſaid, be and the ſame is hereby directed, together with the cour and diſtances of each and every lot, ſtreet, lane or alley, in ſaid addition, to be recorded among t records of the territory of Columbia.

Mayor may demand the plot, &c.

III. BE IT ENACTED, That the mayor of George-town for the time being is hereby authoriſ and required to aſk, demand and receive, the ſaid plot, and ſuch other papers as were prepared made out by Francis Deakins relating to ſaid addition, prior to the paſſage of the act of ſeventee hundr

red and eighty-four, authorising the same, and that the person or persons holding the said plot her papers hereby directed to be recorded, be and the same are hereby required to deliver the to the mayor aforesaid without delay; and the said mayor is hereby required to deliver, as soon y be, the said plot, and such other papers relating to said addition, as they the said Peters, ins, Beatty and Threlkeld, or any three of them, shall think right and proper, to the clerk of erritory of Columbia, to be by him recorded among the records of the territory of Columbia, when so recorded, an attested copy thereof, under the hand and seal of said clerk, shall be good nce of the same, or any part thereof, in any court of law or equity in this state. CHAP. LI.

. AND BE IT ENACTED, That the expence arising in consequence of this act shall be paid by oresaid Robert Peters, William Deakins and John Threlkeld. Expence to be paid, &c.

CHAP. LII.

ACT to authorise a lottery in George-town, in the territory of Columbia. Lib. JG. No. 2. fol. 502.

Passed 31st of Dec. 1796.

WHEREAS sundry inhabitants of George-town, in the territory of Columbia, by their petition to this general assembly have set forth, that the inhabitants of said town made choice of, and part, certain pieces or parcels of ground for a market-place, and to erect a market-house thereon; that in consequence of such choice several of the citizens of said town, for the general benefit of, did enter into contracts for said ground, and the building a market-house; that at the time contracts were made, the citizens so contracting had very flattering expectations that they d be enabled, by the voluntary contributions of the citizens at large, not only to erect a public et-house, but also to comply with their engagements for the ground purchased; their success ver not having extended farther than to enable them to erect the market-house, which is so far ced as to be useful to the citizens at large, and the engagements by them entered into for the d have now become due, have prayed for an act to grant them a lottery or lotteries to raise a not exceeding two thousand dollars, to enable them to discharge their engagements for the d whereon the market-house is erected; therefore, Preamble.

BE IT ENACTED, *by the General Assembly of Maryland*, That it shall and may be lawful for John keld, Charles A. Beatty and Samuel Turner, junior, or a majority of them, to propose a e or schemes of a lottery for raising the sum of two thousand dollars, to sell and dispose of ickets thereof, provided the said Threlkeld, Beatty and Turner, or a majority of them, do, e the sale or disposal of any ticket or tickets in said lottery, give their bond to the state of Maryland, in the penalty of four thousand dollars, with good and sufficient security, conditioned, that will well and truly apply so much of the money arising therefrom, within two months after the ing thereof, as will satisfy the fortunate adventurers for prizes drawn in said lottery, and the sary expences incurred in the management thereof, and to pay the residue to the following persons to wit: George French, Marsham Waring and Anthony Reintzel, who are hereby appointed issioners, under whose directions the said lottery shall be conducted, said commissioners being d with full power and authority to apply such money to the discharge of debts due for the purchase of the ground aforesaid, and the completion of the market-house, so far as they in their judgement may think right and proper, and if there be any surplus, to pay the same to the clerk of the oration of George-town, for the use of said corporation. A scheme may be proposed, &c.

. AND BE IT ENACTED, That the said commissioners, or a majority of them, are authorised mpowered to demand and receive the bond hereby required, and lodge the same in the clerk's of the territory of Columbia, to be there recorded; and upon such bond, or an attested copy of, suit or suits may be instituted against the obligors thereof, or any of them, or their or any eir legal representatives, for any breach or non-compliance with the condition thereof. Commissioners to demand the bond, &c.

CHAP. LIII.

ACT to empower the levy court of Harford county to assess and evy a sum of money for the purposes therein mentioned. Lib. G. No. 2. fol. 504.

Passed 30th of Dec. 1796.

A Supplement 1798, ch. 75.

WHEREAS Samuel Day, of Harford county, by his petition to this general assembly, hath set forth, that he is an extreme poor man, that he hath a wife, who has for a long time been afflicted, Preamble.

CHAP. LIII.

afflicted, and that he is now, from the infirmities of old age, rendered unable to support his f by hard labour, and praying that a law may pass to provide for the support of his wife, out o poor-house; and the prayer of said petition appearing reasonable,

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of Harford county be and they are hereby directed and empowered, at their levy courts annually, so long as they see cause, to assess and levy on said county a sum of money, not exceeding forty dollars, for support and maintenance of the wife of the said Samuel Day aforesaid, and that the same be lected and paid annually to the aforesaid Samuel Day (a) by the collector or collectors of Ha county, agreeable to the order of the levy court aforesaid.

(a) By 1798, ch. 75, the levy court may appoint a proper person to receive the money in the room of Samuel Day.

CHAP. LIV.

Passed 31st of Dec. 1796.

An ACT authorising commissioners to survey, mark and bound, c tain streets in Beatty and Hawkins' addition to George-town, Montgomery county, and for other purposes therein mention Lib. JG. No. 2. fol. 504.

Preamble.

WHEREAS sundry inhabitants of George-town, and the additions thereto, in Montgo county, proprietors, and others, of lots in Beatty and Hawkins' addition to George- aforesaid, have, by their petition to this general assembly, set forth, that in the year seventeen dred and sixty-nine, Charles Beatty and George Frazier Hawkins laid out a town, known b name of Beatty and Hawkins' addition to George-town; that the lots of said addition were dis of by way of lottery, under the direction of three commissioners, appointed to lay out the same, conduct the drawing of the lottery; that the drawings of said lottery were entered in two b prepared for that purpose, under the direction of said commissioners, one of which was to have deposited or recorded among the records of Frederick county, and the other to remain for th of the commissioners; that the book so to have been deposited or recorded does not appear to been recorded, and cannot now be come at, the plan only having been recorded; that Wi Deakins, junior, the only surviving commissioner, holds the book originally intended for the co sioners, as also the drawings of the lottery; that the original plan is now in the possession of Ch Beatty, one of the original and present proprietors; that there are as yet conveyances to be for at least one hundred lots in said addition; that the list of the drawing said lottery, in the h of William Deakins, junior, is the only evidence of the titles thereto; and further, that the b daries of said addition are very incorrect, in some places sixteen feet distant from the intenti the plan, owing in part to the incorrectness of the surveyor who laid out the same, but in instances the boundaries having been thrown down, some of which cannot be found; there be sufficiency of ground in said addition to give each lot its full quantity, and that no person can sibly thereby be injured, have prayed that an act may pass, empowering commissioners to cau accurate survey of one, two, three, four, five, six, seven and eight-streets, in said addition, a establish permanent bounds throughout the same, to perpetuate and ascertain the true loc thereof, having regard to the original design, and not incommoding the present buildings; w being thought reasonable, therefore,

Commissioners appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That John Threlkeld, Thomas Bea George, and George Fenwick, or a majority of them, be and they are hereby authorised and quired, after giving four weeks notice in the George-town news-paper of the time, place and i tions of their meeting, and after having taken an oath before one of the aldermen of the corpor of George-town, well and truly to execute the trust reposed in them by this act without preju favour or partiality, to cause a correct survey to be made of one, two, three, four, five, six, and eight-streets, in Beatty and Hawkins' addition to George-town, having regard to the ori design; and to establish and fix permanent boundaries, to cause a correct plot and certificate o same, with proper explanations, to be returned to the clerk of the territory of Columbia, u their hands and seals, who is hereby required to receive and record the same.

Who may demand books, &c.

III. AND BE IT FURTHER ENACTED, That the said commissioners shall have full power and thority to ask, demand and receive, of William Deakins, junior, and Charles Beatty, all books papers they may have in their possession relating to the drawing of said lottery, the disposing o lots, and the laying out of said addition; and they, the said Deakins and Beatty, are hereby req

er the ſame to them without delay, and to have ſuch of them as the ſaid commiſſioners may roper recorded among the records of the territory of Columbia. CHAP. LIV.

AND BE IT ENACTED, That the ſaid books and papers relating to the drawing of the lottery, original laying out of ſaid addition, as well as thoſe relating to the ſurvey hereby directed ade, when ſo recorded, or any atteſted copy of ſaid records, under the hand and ſeal of the hall be good evidence of the ſame, or any part thereof, in any court of law or equity in te. Which ſhall be good evidence, &c.

ROVIDED ALWAYS, AND BE IT ENACTED, That in caſe any building or improvement ſhall e with or ſtand on any ſtreet, lane or alley, of ſaid addition to George-town, according to ginal location thereof, which ſhall by virtue of this law be thrown into any ſtreet, lane or he ſame ſhall not be deemed a nuiſance, but may ſtand and be occupied by the preſent owner ers, but ſhall not be rebuilt or repaired. Proviſo.

BE IT ENACTED, That the mayor's court of George-town, be and the ſame is hereby veſted ll power and authority to fill any vacancy that may happen by death, reſignation or otherwiſe, oard of commiſſioners aforeſaid. How vacancies are to be filled.

AND BE IT FURTHER ENACTED, That the ſaid mayor's court, be and the ſame is hereby with full power and authority to fill the vacancy that has happened in the board of commiſ- mentioned in the act,* entitled, An act to open a road from George-town to a bridge to be over the river Patowmack, at or near the Little Falls, by the death of Thomas Clarke, named, and to fill any vacancies that may hereafter happen by death, reſignation or ſe. Court may fill a vacancy, &c.

* 1795, ch. 44.

. AND BE IT ENACTED, That the expence ariſing from the execution of this act ſhall be the petitioner. Expence to be paid.

CHAP. LV.

ACT for building a record-office, and ſecuring and tranſcribing rtain records and papers, in Baltimore county, and rebuilding o bridges over Jones's Falls, in Baltimore-town, in ſaid county. ib. JG. No. 2. fol. 506.

Paſſed 31ſt of Dec. 1796.

IT ENACTED, *by the General Aſſembly of Maryland*, That William Gibſon, William Buchanan, of George,) and Thomas Worthington, or any two of them, ſhall be and are hereby autho- nd empowered to contract and agree with any perſon or perſons in Baltimore county to erect ild a record-office on the public ground in Baltimore-town, ſufficiently large for receiving and g the public records and papers now in the office of the regiſter of wills and clerk of the ſaid ; and immediately upon the completion of the ſaid building, the ſaid records and papers ſhall oved thereto, and be kept in diſtinct and ſeparate apartments; and the ſaid commiſſioners are directed to cauſe the ſaid building to be covered with ſlate or tile, and a part thereof to be and arched with brick or ſtone, of ſufficient ſtrength and thickneſs to ſecure the ſaid records pers from fire, or other injury. Commiſſioners appointed, &c.

AND BE IT ENACTED, That the juſtices of Baltimore county court ſhall levy and aſſeſs on the le property of Baltimore county a ſum not exceeding five hundred pounds, (a) with the uſual ſſion to the ſheriff for collection, to be collected with the county levy in the years ſeventeen d and ninety-ſeven and ſeventeen hundred and ninety-eight, and paid to the perſon or perſons whom the ſaid commiſſioners ſhall contract. Juſtices to levy money, &c.

(a) By 1797, ch. 73, this ſum is appropriated to the building of the gaol under that act, the ſaid act reciting that the record-will not be built.

. AND BE IT ENACTED, That the juſtices of the ſaid county court ſhall contract with the clerk ſaid court for tranſcribing ſuch records and papers as are in a decayed ſtate, and alſo for making eneral alphabet to the land records of the ſaid county, and to aſſeſs the ſum of money allowed ch ſervices on the ſaid county, which ſhall be collected with the county levy; and all records ſaid office heretofore tranſcribed or taken from books which are loſt, or which ſhall be tran- d in virtue of this act, ſhall be deemed and taken to be the public records of ſaid county, and And contract with the clerk, &c.

CHAP. LV.

copies from such transcribed records shall be admissible in evidence, in the same manner as if from the original books.

Justices to levy money, &c.

IV. AND BE IT ENACTED, That the justices of Baltimore county court shall levy and asse the assessable property of Baltimore county, for rebuilding two of the bridges over Jones's Fall Baltimore-town, a sum not exceeding one thousand pounds, with the usual commission to the for collection, to be collected with the county levy in the years seventeen hundred and ninety- and seventeen hundred and ninety-eight; which sum of one thousand pounds shall be inclusive sums of money heretofore levied for the repair of the three bridges over Jones's Falls, in said and all money heretofore levied for the repair of the lower bridge, and now unappropriated, sh applied to the rebuilding of the middle and upper bridges; and the sums levied and collected i tue of this act, and any former law, shall be paid, in equal proportions, to the commissioners h after named.

Commissioners appointed, &c.

V. AND BE IT ENACTED, That John Merryman, James Edwards and Charles Jessop, or any of them, shall be and are hereby appointed commissioners to contract for rebuilding the upper b and Harry Dorsey Gough, Henry Nichols and Peter Dissindasser, or any two of them, shall b are hereby appointed commissioners for rebuilding the middle bridge; and in case any vacancy happen in the said appointment of commissioners, before the said bridges shall be rebuilt, the ju of Baltimore county court shall supply such vacancy, so often as need may require, until the ac plishment of the object intended by this act.

CHAP. LVI.

Passed 30th of Dec. 1796.

An ACT to incorporate a company for building a bridge over Jo Falls, in Baltimore-town. Lib. JG. No. 2. fol. 508.

Preamble.

WHEREAS it is represented to this general assembly, that the erecting of a good stone or bridge over Jones' Falls, in Baltimore-town, at the place commonly known by the na the Lower Bridge, would add greatly to the convenience and improvement of the said town, essentially promote the interest of the same; therefore,

J. O'Donnell, &c. to receive subscriptions, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That John O'Donnell, Thomas M'E ry, Cumberland Dugan, Richard Lawson and Richard Caton, be appointed to receive subscrip for erecting said bridge; and that three weeks notice be given in one of the public papers of more-town of the time and place of opening said subscription, and that the same be kept open the whole number of shares be subscribed.

Ten thousand dollars to be raised, &c.

III. AND BE IT ENACTED, That the sum of ten thousand dollars, for the capital stock, be r in the manner aforesaid, for the above purpose, and that the said stock be divided into one hu shares of one hundred dollars each, and that as soon as sixty shares shall be subscribed, the said missioners, or a majority of them, shall call a meeting of the stockholders, who shall proceed in son, or by proxy, to the election, by ballot, of seven directors, who shall have full power authority to contract for the building of the said bridge, and to do all other things appertai thereto, agreeably to the provisions of this act.

Directors to elect a president, &c.

IV. AND BE IT ENACTED, That the said directors shall elect one of their number to act as p dent, who shall, with the directors, continue in office one year; and the said stockholders, in year after the day on which the election shall be first made, and on the same day in every year t after, except the same shall happen on a Sunday, in that case on the day succeeding, shall elec ballot, from among the stockholders, seven persons as directors, and every stockholder shall be eli as a director; and the president and directors for the time being shall give public notice for a election, at least ten days previous to the expiration of the time for which they were elected.

President, &c. to keep a just account, &c.

V. AND BE IT ENACTED, That the said president and directors shall keep a just and true acc of all and every the monies received by their collector for tolls, and shall declare and make a dend of the profits thereof among the stockholders, on every first Monday in April and Octobe which public notice shall be given; provided nevertheless, that no division of profits shall ex fifteen *per centum per annum*.

To be laid before the court, &c.

VI. AND BE IT ENACTED, That the said president and directors, after the bridge aforesaid be completed, shall annually, on the first Monday in June, lay before the court of Baltimore co

and true account of their receipts and expenditures, with a ſtatement of the clear profits there-
nd if the clear profits thereof ſhall exceed in amount fifteen *per centum* on the capital ſtock ex-
ed, the ſaid ſurplus ſhall be, by the preſident and directors, applied to the repayment or extin-
ment of the capital ſtock, in ſuch manner as may by the ſaid preſident and directors be deemed
alculated to effect the ſame; and whenever the principal ſhall be ſo ſunk, or whenever the town
ltimore ſhall reimburſe, and ſhall actually pay to the ſaid corporation, the amount of their capi-
ock, with an advance of twenty *per centum* thereon, then and in ſuch caſe the bridge ſhall be
n open, and remain for ever after clear of all toll.

Penalty for neglect, &c.

I. AND BE IT ENACTED, That if the ſaid preſident and directors ſhall not return their accounts
rein directed to the county court of Baltimore, they ſhall forfeit the ſum of one hundred dollars
for every ſuch neglect, to be applied towards ſinking the capital of the ſaid bridge.

Bridge to be begun, &c.

II. AND BE IT ENACTED, That if the ſaid bridge be not begun before the firſt day of July
and rendered paſſable with ſecurity and convenience before the firſt day of October, ſeventeen
red and ninety-eight, then this act to be void in all its parts.

To be veſted in the ſtockholders, &c.

. AND BE IT ENACTED, That when a good and ſecure bridge of brick or ſtone ſhall be erected
Jones' Falls as aforeſaid, the property thereof ſhall be veſted in the ſtockholders, ſubject to the
ſions of this act; and the ſaid ſtockholders, or the directors that may be appointed by them, are
briſed to erect a gate on the ſaid bridge, or in the ſtreet adjoining the ſame, alſo a houſe for the
nce of the collector of the tolls, and to demand and receive the following tolls, to wit: For
head of horſe and cow kind, one cent; for every ſheep or hog, half a cent; for every wheel,
ent.

No greater rates to be received, &c.

AND BE IT ENACTED, That if the ſaid company ſhall collect or receive any greater rates than
herein enumerated, or ſhall neglect to keep ſaid bridge in repair, he, ſhe or they, ſo offending,
for every offence, forfeit and pay the ſum of twenty-five dollars, for the uſe of Baltimore-
; provided, that no ſuit therefor ſhall be brought until after thirty days from the time of com-
ng ſaid offence.

Bridge may be taken down, &c.

. AND BE IT ENACTED, That it ſhall and may be lawful for the preſident and directors afore-
or perſons acting under them, to take down the bridge known by the name of the Lower Bridge,
o uſe and occupy the adjoining lots and ſtreets, and alſo to occupy the bed of Jones's Falls, ſo
s may be neceſſary for collecting together, and working and uſing, materials and machinery for
ing and ſecuring, or preparatory to building, the ſaid bridge; provided, that if any perſon ſhall
jured by ſaid company occupying the lots adjoining, ſuch perſon ſhall be indemnified by the ſaid
pany.

Length, &c. of the bridge, &c.

II. AND BE IT ENACTED, That the ſaid bridge ſhall be in length co-extenſive with the width of
's's Falls, as laid down by the port-wardens of Baltimore-town, of a width not leſs than thirty
it ſhall not conſiſt of more than three arches, the centre one of which ſhall have at leaſt thir-
eet ſpace; the ſides of ſaid bridge ſhall be ſecured by walls, or baluſtrades, not leſs than three
high.

Preſident, &c. to give a certificate, &c.

III. AND BE IT ENACTED, That the preſident and directors of the company give to each ſtock-
er a certificate of the ſhare or ſhares he may hold, which ſhall be a transferrable property, under
regulations and conditions as may be by the ſaid preſident and directors adopted for the ſame;
provided any ſubſcriber ſhall, after due notice being given, refuſe or neglect to pay the amount
is ſubſcription, or ſuch part thereof as may by the preſident and directors be called for, the ſum
ums already paid by ſuch ſubſcriber ſhall be forfeited, and the ſaid preſident and directors may
eed to receive freſh ſubſcriptions for ſuch ſhare or ſhares as may ſo become forfeited.

Majority to be a quorum, &c.

IV. AND BE IT ENACTED, That the preſident, and a majority of the directors, ſhall be a quo-
to do buſineſs; they ſhall keep a book or books, in which ſhall be inſerted minutes of their pro-
ings, contracts, purchaſes, expenditures, and a ſtate of the caſh in hand, which book or books
at all times be open to the inſpection of the ſtockholders.

Stockholders incorporated, &c.

V. AND BE IT ENACTED, That the ſaid ſtockholders ſhall be and are hereby declared a body
orate, by the name of The Preſident and Directors of the Water-ſtreet Bridge Company, and
he ſame name ſhall have ſucceſſion until the purpoſes of this act be anſwered, and may ſue and

CHAP. LVI.

be ſued, plead and be impleaded, in any court of juſtice in this ſtate, and before any judge, ju and juſtices, in all manner of ſuit or ſuits, cauſes, matters and demands, in as full and ample a ma as any other perſon or perſons, bodies politic or corporate, within this ſtate, in like caſes may or do, and may make, have and uſe, a common ſeal, and the ſame may break or alter at their plea

CHAP. LVII.

Paſſed 31ſt of Dec. 1796.

An ACT to empower John Erſkine and John Thomas, adminiſtrators of Richard Johns, to collect the balances due to Richard Johns as ſheriff and collector of Talbot county. Lib. JG. No. fol. 511.

Preamble.

WHEREAS John Erſkine and John Thomas, adminiſtrators of Richard Johns, late ſheriff collector of Talbot county, deceaſed, by their petition to this general aſſembly have ſet f that there are conſiderable balances due to him as ſheriff and collector, and pray that an act paſs, authoriſing them to collect the ſame in the ſame manner as the ſaid Richard Johns might done while he was ſheriff and collector as aforeſaid, and that the adminiſtrators aforeſaid ſha allowed the ſame commiſſion upon the ſaid collections as the ſaid ſheriff would have been entitle

J. Erſkine, &c. to collect, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid John Erſkine and John mas, or the ſurvivor of them, be and they are hereby authoriſed to demand, collect and receive balances and ſums of money which were due to the ſaid Richard Johns at the time of his death account of any public aſſeſſment, county rates or officers fees as aforeſaid, for the years ſeven hundred and ninety-two, ninety-three and ninety-four, at any time before the tenth day of De ber, ſeventeen hundred and ninety-ſeven, in the ſame manner as the ſaid Richard Johns cou might have done while he was ſheriff and collector as aforeſaid, and his ſeveral offices were n pired; and the ſaid John Erſkine and John Thomas, or the ſurvivor of them, alſo ſhall have power and authority to appoint a deputy or deputies under them for the purpoſe of making coll ons as aforeſaid in as full and ample a manner as the ſaid Richard Johns could or might have while he was ſheriff or collector as aforeſaid.

Proviſo.

III. PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid adminiſtrators, or one of t ſhall, at leaſt ten days before the execution or diſtreſs of property for the balances aforeſaid, de to the perſon charged, or leave at his or her place of abode, a proved account, ſtating the taxes the amount of fees, or ſuch part thereof as may be claimed as due, together with all payments may have been in any manner made by ſuch perſon, and ſhall give at leaſt five days notice, by ad tiſement at the moſt public places in the neighbourhood, of the time and place of ſale, in ca ſuch execution or diſtreſs; and provided alſo, that all the books of the ſaid Richard Johns, and deputies, in which his accounts as ſheriff and collector are ſtated and kept, ſhall be depoſited in hands of the adminiſtrators aforeſaid in the town of Eaſton, to be inſpected and examined by e perſon who ſhall apply for the ſame, in order to aſcertain any payments that may have been upon his or their account.

How monies are to be appropriated, &c.

IV. AND BE IT ENACTED, That it ſhall be the duty of the ſaid adminiſtrators, or either of t and they are hereby ordered and directed, to appropriate the monies that may be collected by as aforeſaid, in the firſt place to the payment and diſcharge of all ſuch debts as the ſaid Ric Johns owed in his capacity of ſheriff or collector as aforeſaid, and the balance thereof, if any, accounted for to the other creditors of the ſaid Richard Johns in his individual capacity.

CHAP. LVIII.

An additional ſupplement to an act, (a) entitled, An act to ſtreight and amend the poſt-road from Havre-de-Grace to Baltimore-tow Lib. JG. No. 2. fol. 513.

(a) April, 1787, ch. 29.

Preamble.

WHEREAS no meaſures have been heretofore adopted to erect a bridge over the Great Fall Gunpowder, as contemplated by the act to which this is an additional ſupplement, and payment of damages to the perſons over whoſe property the road has been laid out and opened been thereby delayed: And whereas the vacancies occaſioned by the death of Meſſieurs Griffith Sm

ith, two of the commiſſioners in the ſaid original act named, have been omitted to be filled up by ſurvivors; wherefore, to carry the important object of the ſaid act completely and immediately o effect,

CHAP. LVIII.

I. BE IT ENACTED, *by the General Aſſembly of Maryland*, That William Evans, of Baltimore-town, John Barney, of the town of Havre-de-Grace, be and they are hereby appointed commiſſioners he room and ſtead of William Smith, (Bay-ſide,) and Samuel Griffith, deceaſed. Commiſſioners appointed.

II. AND BE IT ENACTED, That the ſurviving commiſſioners in the ſaid original act named, and ſe appointed under this act, or any three or more of them, are hereby directed and required to ry into complete effect, as ſoon as may be, the directions, authorities and powers, in the ſecond third ſections of the ſaid original act contained. Powers, &c. to be carried into effect, &c.

CHAP. LIX.

n ACT reſpecting the roads of Somerſet and Worceſter counties.

Paſſed 31ſt of Dec 1796.

Lib. JG. No. 2. fol. 513.

A Supplement 1797, ch. 84.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the act, entitled, An act to ſtreighten and amend the public roads, paſſed at the ſeſſion of aſſembly, ſeventeen hundred and ninety- r,* held at the city of Annapolis on the firſt Monday of November, and the ſeveral ſupplemen- y acts thereto, ſo far as the ſame relates to Somerſet county, be and the ſame are hereby re- led; and hereafter the act of aſſembly, entitled, An act for making of highways, and making the ds of rivers, creeks, branches and ſwamps, paſſable for horſe and foot, paſſed at the ſeſſion of mbly held at the city of Annapolis on the firſt day of September, ſeventeen hundred and four, † h the ſeveral ſupplementary acts thereto, and the ſeveral clauſes and proviſions thereof, be and ſame are hereby extended to the county of Somerſet, to all intents and purpoſes, any law, tute or cuſtom, to the contrary notwithſtanding. Acts repealed, &c. * Chapter 52. † Chapter 21.

II. AND BE IT ENACTED, That every overſeer in Somerſet and Worceſter counties reſpectively, ll be allowed, by their levy court, a ſum not exceeding ten dollars *per annum*, for ſuperintending hands employed on the ſaid roads, which ſum ſhall be paid out of the fines hereby impoſed; and hall be the duty of the overſeers reſpectively, to keep a liſt of all abſent perſons who are by this obliged to work on the public roads, and once in ſix months to call on them for the payment of ſums by them, or any of them, forfeited, and on refuſal or neglect to pay the ſame on demand, ſaid overſeers ſhall reſpectively proceed to recover the ſame by due courſe of law; which ſum or ns, ſo recovered, after defraying the coſt of recovering the ſame, and the allowance of the over- r or overſeers, ſhall be annually accounted for with the juſtices of the levy court once in every r, by the ſaid overſeer or overſeers, upon oath or affirmation, as the caſe may be. Overſeers allowance, &c.

III. AND BE IT ENACTED, That the levy courts of Somerſet and Worceſter counties reſpectively, their next meeting, and annually thereafter, in the manner heretofore provided, ſhall appoint r the public roads of ſaid county a number of overſeers, not exceeding five in any one hundred, they ſhall aſcertain and liſt the perſons or hands which ſhall be liable to be called out by the ſaid erſeers reſpectively on the roads aforeſaid. Courts to appoint overſeers, &c.

IV. AND BE IT ENACTED, That every overſeer of a road in Somerſet or Worceſter counties who ll fail to do his duty as preſcribed by law, ſhall forfeit four dollars for every offence. Penalty for neglect, &c.

V. AND BE IT ENACTED, That any juſtice of the peace of the county where the overſeer reſides, o, upon his own view, or information on oath, ſhall diſcover or be ſatisfied that any road, bridge cauſeway, is out of repair from the neglect of duty in the overſeer, ſhall iſſue his warrant, in the me of the ſtate, againſt the ſaid overſeer, and if no reaſonable excuſe be made for ſuch default, y give judgment for the aforeſaid penalty and coſts, and ſhall immediately certify the ſame to the rk of the county court, who ſhall thereupon iſſue an execution, directed to the ſheriff, who ſhall ceed to levy and collect the ſame, and account for and pay the ſame to the order of the next levy urt; and all ſuch penalties ſhall go to the uſe of the county, towards leſſening the levy thereof; vided nevertheleſs, that nothing herein contained ſhall prevent any offender from being preſented a grand jury for any offence not puniſhed by any juſtice of the peace aforeſaid, under this act. Juſtice to iſſue his warrant, &c.

VI. AND,

CHAP. LIX.

VI. AND, whereas frequent applications are made to the general aſſembly for acts authoriſing the laying out of new roads in the counties aforeſaid, where the proprietors of the land through which the ſaid roads prayed for and intended to paſs are willing that the ſame ſhould be granted: And whereas by veſting a power in the levy courts of the ſaid counties to determine on the propriety of ſuch applications no inconvenience can ariſe to the citizens thereof; therefore, BE IT ENACTED,

Courts may direct the ſurveyors, &c.

That upon application, in writing, from all of the proprietors of the lands through which any public road is intended to paſs, for the purpoſe of obtaining any ſuch road, the levy courts of the counties aforeſaid reſpectively, being ſatisfied that the granting the ſame will be of public convenience, ſhall have full power, and they are hereby authoriſed, to direct the ſurveyor of their county to lay out any ſuch road, not exceeding twenty feet in breadth, and to make return thereof to the ſaid levy court; and after the road ſhall be ſurveyed and laid out agreeably to this act, the ſaid court ſhall direct the application of ſuch road, and the return thereof, to be recorded by the clerk of the county court among the records thereof, and thereafter and thereupon ſuch road ſhall be conſidered as a public road, and ſhall be kept up as other public roads are in the ſaid counties reſpectively.

This act, ſo far as it relates to Somerſet county, is repealed by 1798, ch. 38, ſect. 28.

CHAP. LX.

Paſſed 31ſt of Dec. 1796.

* 1794, ch. 52.

An additional ſupplement to an act,* entitled, An act relating to public roads in this ſtate, and to repeal the acts of aſſembly therein mentioned, as far as relates to Cæcil, Talbot and Kent counties. Lib. JG. No. 2. fol. 515.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that in Kent and Talbot counties a ſufficient number of hands cannot be hired for reaſonable wages to repair the public roads in ſaid counties, by which means they remain in bad condition, and the ſuperviſors ſubjected to a fine for neglect; for remedy whereof,

Supervisors may require ſlaves, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſupervisors in the ſaid counties of Kent and Talbot (a) ſhall have full power and authority, whenever it may be neceſſary, except in time of harveſt, to require of the owner or owners thereof, in their reſpective counties, as many male able bodied ſlaves, moſt convenient to the roads to be repaired, as may be neceſſary to work on the ſame, not exceeding one half of the ſaid ſlaves belonging to any perſon on any one day, nor ſhall any perſon be compelled to render more ſervice in any one year than his or her road taxes amount to.

(a) The parts of this act reſpecting Talbot county are repealed by 1797, ch. 63.

Penalty for not furniſhing, &c.

III. AND BE IT ENACTED, That for every ſlave ſo required by the ſupervisor, and not furniſhed the owner thereof ſhall forfeit and pay the ſum of five ſhillings, to be recovered by the ſupervisors in the ſaid counties reſpectively, as in caſe of ſmall debts, and when received ſhall be accounted for on oath, and paid to the levy court of the reſpective counties annually, or to their order, to be applied to repairing the public roads in their county.

Seven juſtices to act, &c.

IV. AND BE IT ENACTED, That in Cæcil county ſeven juſtices of the peace, or any greater number of ſaid juſtices, ſhall be and they are hereby empowered to act as a levy court, and a majority of ſuch court ſhall decide in all caſes ariſing under the act to which this is an additional ſupplement and the ſupplements thereto.

Part of an act extended, &c.

* Chapter 43.

V. AND BE IT ENACTED, That in Cæcil, Kent and Talbot counties, all that part of an act paſſed at November ſeſſion, ſeventeen hundred and ninety-five,* entitled, A ſupplement to an act relating to public roads in this ſtate, and to repeal the acts of aſſembly therein mentioned, which relates to opening, clearing, improving or keeping in repair, roads upon contract, be applicable and extended to ſuch roads as were laid out previous to the paſſing the ſaid act.

Damages to be valued, &c.

VI. AND BE IT ENACTED, That in Cæcil county where any ſum of money ſhall be claimed for damages done to any perſon or perſons by a new road going through his, her or their land, or by the ſtreightening or widening of an old road, the levy court may appoint three perſons, not related to ſuch claimant, nor intereſted in the claim, as commiſſioners, to value, on oath or affirmation, ſuch damages; and any ſum agreed on by any two of ſuch commiſſioners, may be conſidered as the damages allowable, and paid accordingly, if the levy court, and the perſon or perſons claiming damages ſhall approve thereof; and if the perſon or perſons claiming ſuch damages ſhall not be content with

allowance ſo aſcertained, and ſhall inſiſt for a valuation by jury, then ſhould the valuation of a not exceed the valuation ſo as before made, the perſon or perſons, ſo claiming damages, ſhall the expence of ſuch valuation by jury, and the ſheriff may and ſhall, when the caſe requires it, pel payment thereof by diſtreſs and ſale; and ſaid commiſſioners ſhall each be allowed a ſum not eeding ten ſhillings for each day he ſhall be employed in ſaid valuation of damages, to be paid of the monies levied for the uſe of the public roads.

Superviſors not to act with leſs than ten labourers, &c.

II. AND BE IT ENACTED, That no ſuperviſor of any public road in Talbot county ſhall at any proceed to work and labour on any public road with a leſs number of able bodied labourers than unleſs it be for the purpoſe of repairing a bridge, removing ſome fallen tree or trees, or other ruction, under the penalty of forfeiting his own wages for the time that a leſs number of hands l be employed, and to be deducted out of his allowance by the levy court, unleſs it be for the poſe of removing the obſtructions aforeſaid, of which he ſhall render a fair account to the levy rt aforeſaid, and be by them allowed ſuch ſum or ſums as they may judge right and reaſonable.

CHAP. LXI.

Paſſed 31ſt of Dec. 1796.

n ACT to appoint an agent for the year one thouſand ſeven hundred and ninety-ſeven. Lib. JG. No. 2. fol. 517.

An agent appointed, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That William Marbury be agent of this ſtate, to execute the truſt and power repoſed in him by virtue of this act from the firſt day of January, thouſand ſeven hundred and ninety-ſeven, until the firſt day of January, one thouſand ſeven dred and ninety-eight.

To ſuperintend the collection of arrearages, &c.

I. AND BE IT ENACTED, That the ſaid agent ſuperintend the collection of all arrearages and ances due from the ſeveral collectors of the reſpective counties within this ſtate appointed ſince firſt day of January, ſeventeen hundred and eighty-three; and the ſaid agent is hereby autho- d and required to call upon the treaſurers of the reſpective ſhores for an accurate ſtatement of arrearages and balances due from ſuch collectors, and ſuch account ſhall be furniſhed by the treaſurers accordingly.

Of balances on the auditor's books, &c.

II. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all ances due to the ſtate on the auditor's books or on open account; and the ſaid agent ſhall have er to require payment of, and, if neceſſary, to ſue for and recover the ſame; and the ſaid agent, h the approbation of the governor and council, may make compoſition with any ſuch debtors, take bonds to the ſtate, with ſufficient ſecurity, and give time for payment, not exceeding two rs from the firſt day of January, ſeventeen hundred and ninety-ſeven.

And all monies due for duties, &c.

V. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all nies due to the ſtate for naval duties, fines, penalties, forfeitures and amerciaments, and forfeited ognizances, and for ordinary, retailers and marriage licences, and to require payment, and (if eſſary) ſue for and recover the ſame; and the ſaid agent may allow for inſolvencies, and credit money that the party is not chargeable with by law, and, for his information of the law, he y take advice of the attorney-general in writing.

Notice to be given of ſales, &c.

V. AND BE IT ENACTED, That whenever there ſhall be occaſion to expoſe to public ſale the pro- ty of any collector, or his ſecurities, by virtue of any execution already iſſued, or to be directed this purpoſe, the agent ſhall cauſe public notice to be given of ſuch ſale, and ſhall attend the ſame, if it ſhall appear that there is danger of loſing any part of the debt due to the ſtate, and not erwiſe, ſhall purchaſe any property ſo expoſed to ſale for the uſe of the ſtate, in payment, or part yment, as the caſe may be, of the arrearages due by the collectors whoſe property may be ſo chaſed, and that no purchaſe authoriſed by this act ſhall be conſidered as made on the part of the te, unleſs a public declaration to that effect be made by the ſaid agent or his deputy immediately er ſuch ſale and purchaſe; and any property ſo purchaſed for the uſe of the ſtate, the ſaid agent y again expoſe to public auction, on the moſt advantageous terms for the uſe of the ſtate, and, if ſame be ſold on credit, which ſhall in no caſe exceed the term of two years, the ſaid agent ſhall e bond, with good and ſufficient ſecurity, to be approved of by the treaſurer of the weſtern ſhore, m the purchaſers of ſuch property, and all bonds by him ſo taken ſhall be depoſited, with an ac- rate liſt thereof ſubſcribed by him, in the treaſury of the weſtern ſhore, and ſhall be a lien upon real property of ſuch purchaſers, and their ſecurities, from the reſpective dates, or ſo much reof as is mentioned in the ſchedule thereto annexed.

VI. AND

CHAP. LXI.

Agent to diſpoſe of property, &c.

VI. AND BE IT ENACTED, That the ſaid agent is hereby directed to diſpoſe of at public ſale confiſcated Britiſh property that remains unſold, giving at leaſt thirty days notice thereof by pu advertiſement, and take bonds to the ſtate, with ſufficient ſecurity, and give time for payment, exceeding two years from the firſt day of January, ſeventeen hundred and ninety-ſeven.

And to call on the attorney-general, &c.

VII. AND BE IT ENACTED, That the agent ſhall immediately call on and requeſt the attorn general to commence, and proſecute to final determination as ſpeedily as poſſible, the ſtate's righ all confiſcated property which hath been made known and diſcovered to the ſaid agent; and ſaid agent ſhall report to the next ſeſſion of aſſembly ſuch ſuits as are or may be depending to reco the ſame, and alſo ſuch as may then not be commenced, with the reaſons aſſigned by the attorn general why the ſame have not been commenced; and to cauſe immediate notice to be given in public papers of this ſtate to the diſcoverers of confiſcated property, to produce to the agent title papers of the lands by them reſpectively diſcovered, on or before the firſt day of Auguſt ne in order that the ſame may be laid before the attorney-general for his opinion thereon.

No payment to be valid, &c.

VIII. AND BE IT ENACTED, That no payment in future by any officer or perſon indebted to ſtate ſhall be valid and effectual, unleſs made to the treaſurer of the weſtern or eaſtern ſhores, or the agent for the time being, or unleſs made to the clerks and ſheriffs of the ſeveral counties, in caſes where the ſaid clerks and ſheriffs are by law authoriſed to receive the ſame.

Right to ceaſe, &c.

IX. AND BE IT ENACTED, That the right, title and intereſt, of any and every informant or coverer of property liable to confiſcation, ſhall ceaſe, determine and be utterly null and void, unl the title papers to authenticate the ſtate's right be produced and lodged with the agent by the formant or diſcoverer on or before the firſt day of Auguſt next.

Agent to take back property, &c.

X. AND BE IT ENACTED, That the agent ſhall have full power and authority, by and with advice and approbation of the governor and council, in all caſes of uninſtalled debts, to take b any property heretofore purchaſed by any perſon and not yet paid for, in caſes where the perſo having purchaſed, and his ſecurities, are not capable of paying for the ſame, and to compromiſe ſame upon terms and principles of equity and juſtice, by and with the advice and conſent aforeſ and the agent is hereby required to lay a particular ſtatement of his proceedings under this ſec before the next ſeſſion of aſſembly.

And may compromiſe, &c.

XI. AND BE IT ENACTED, That the agent, with the approbation and conſent of the gover and council, be and he is hereby authoriſed and empowered to compromiſe any ſuit depending chancery with any ſtate debtor, upon any terms in their judgment calculated to promote the int of the ſtate, and obtain the ſpeedy receipt of the ſums due.

Property taken back may be ſold, &c.

XII. AND BE IT ENACTED, That if, under the terms of any compromiſe made as aforeſaid, property heretofore purchaſed ſhould be taken back and reveſted in the ſtate, the ſame may be by the agent, and he is hereby authoriſed and empowered to ſell the ſame at public ſale, on a cr of three years, giving the notice herein before mentioned, payable, one third of the principal, the whole intereſt annually, on the firſt day of December in each year; and the bonds, when ta ſhall be returned to the treaſurer of the weſtern ſhore, and reported to the general aſſembly at t ſeſſion next enſuing the taking of ſuch bonds.

Agent to call on the attorney-general, &c.

XIII. AND BE IT ENACTED, That all caſes in chancery, where no compromiſe under this a effected, ſhall be placed under the direction of the agent, who is hereby authoriſed and require call on the attorney-general to proſecute or defend the ſame to immediate final deciſion; and governor and council are hereby authoriſed and empowered, at the requeſt of the agent, in caſe difficulty, to aid the attorney-general, by employing any perſon to attend to ſurveys where neceſ or otherwiſe to aſſiſt in the proſecution or defence of ſaid ſuits, which perſon or perſons are t paid out of the contingent fund of five hundred pounds; and the names of the perſons ſo emplo together with the ſum allowed for their ſervices, to be laid before the general aſſembly at their ſeſſion.

Debtors may be ſued, &c.

XIV. AND BE IT ENACTED, That if any bond debtor to the ſtate for confiſcated property chaſed, or otherwiſe, ſhall neglect to make payment, agreeably to the condition of his bond, and ſu reſolves of the general aſſembly, the ſaid agent ſhall cauſe proceſs to iſſue for the whole principal intereſt then due, or ſhall proceed on any execution already iſſued, and ſerved and ſuſpended, a caſion may require, or, under the direction and with the approbation of the governor and

is hereby authoriſed to delay any execution as long as they may think expedient and neceſ-

Agent to ſuperintend the collection, &c.

. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all es due on bond taken for taxes due before the firſt day of January, ſeventeen hundred and -three; and the ſaid agent ſhall alſo ſuperintend the collection of all balances due on bonds d, or otherwiſe, for the emiſſion of paper money of ſeventeen hundred and ſixty-nine, and een hundred and ſeventy-three.

No proceſs to iſſue, &c.

I. AND BE IT ENACTED, That no proceſs ſhall iſſue againſt any of the public debtors, unleſs direction of the ſaid agent.

Agent to fix days, &c.

II. AND BE IT ENACTED, That the ſaid agent ſhall have power to fix ſuch days for the ſale of ty taken by *fieri facias*, at the ſuit of the ſtate, as he may think proper, always taking care to t leaſt twenty days public notice thereof, and the ſaid agent ſhall alſo have power to ſuſpend les, from time to time, as he may think moſt to the advantage of the ſtate.

And pay ſpecie.

III. AND BE IT ENACTED, That the ſaid agent ſhall pay into the treaſury, in ſpecie, the t of all ſpecie by him received in the diſcharge of the duties of this act.

Bonds to be a lien.

X. AND BE IT ENACTED, That in all caſes where bonds ſhall be taken in virtue of this e bonds ſhall be a lien on all the real property of the obligors from the date thereof, or on ch of the ſaid real property as the governor and council ſhall think ſufficient, to be par-ly mentioned in a ſchedule to be annexed to the ſaid bond, in which caſe it ſhall be a lien on operty contained in ſuch ſchedule, and no more, ſuch bond and ſchedule to be lodged with the rer of the weſtern ſhore.

And to expreſs the county, &c.

. AND BE IT ENACTED, That all bonds, taken in virtue of this act, ſhall expreſs the county ich the obligors reſpectively reſide, and the treaſurer of the weſtern ſhore ſhall, within one after he receives them reſpectively, cauſe them, with the ſchedule annexed to them, to be led in the office of the clerk of the general court of the weſtern ſhore at the expence of the rs; and a copy of the ſaid record, certified under the hand and official ſeal of the ſaid clerk, e as good evidence in any court of law or equity in this ſtate as the original bond would be if s produced; and if any of the obligors in any ſuch bonds reſide on the eaſtern ſhore, the ſaid rer ſhall, within ſix months from the time he receives the ſame reſpectively, tranſmit to the of the general court of the eaſtern ſhore, in the ſame manner as papers on public ſervice are nitted, a copy of ſuch bonds and ſchedules, certified as aforeſaid by the clerk of the general of the weſtern ſhore, to be recorded in the office of the clerk of the general court of the eaſtern at the expence of the obligors, and, in ſuch caſe, a copy of the ſaid record, certified as afore-y the ſaid clerk of the general court of the eaſtern ſhore, ſhall be good evidence as aforeſaid.

Agent to render quarterly accounts, &c.

I. AND BE IT ENACTED, That the ſaid agent ſhall render to the treaſurer of the weſtern ſhore t quarterly accounts of his receipts of all money, certificates and bonds, in virtue of this act, all immediately thereupon pay and deliver the ſame to the ſaid treaſurer, who ſhall, in his an-report to the general aſſembly, ſtate fully and particularly the money, certificates and bonds, n received from the ſaid agent, and the times when the ſame were received and accounted for.

A fair account to the general aſſembly, &c.

II. AND BE IT ENACTED, That the ſaid agent ſhall render a fair and full account of his ſeve-oceedings, under the authority of this act, to the general aſſembly at their next ſeſſion, and the firſt ten days after its commencement, in which account ſhall be ſpecified, under diſtinct his own receipts, and thoſe of the treaſurer, and of all transfers of ſtock upon which he may itled to commiſſions, and in which ſhall alſo be contained a particular eſtimate of his commiſſi-hewing how and upon what the ſame aroſe due.

Commiſſions allowed.

III. AND BE IT ENACTED, That the ſaid agent ſhall be allowed for his ſervices the following iſſions, to wit: For all payments made to either of the treaſurers on bonds for confiſcated pro-one *per cent.* for all bonds with ſecurity taken by the ſaid agent on reſales of confiſcated rty in virtue of this act, two and a half *per cent.* for all monies collected on open accounts, not ing monies ariſing from fines, forfeitures and amerciaments, ordinary, retailers, marriage, haw-nd pedlers licences, which have become due ſince the firſt day of January, ſeventeen hundred inety-one, ſix *per cent.* and for all other monies by him actually received and paid into the trea-

 ſury,

CHAP. LXI.

ſury, three *per cent.* and for all other bonds taken in virtue of this act, one *per cent.* provided, the ſaid agent ſhall not be entitled to any commiſſion upon the monies ariſing from fines, forfeit amerciaments, ordinary, retailers, marriage, hawkers and pedlers licences, unleſs in caſes w the ſame ſhall not be paid by the ſheriffs and clerks reſpectively to the treaſurer within one m after the time preſcribed by law, and unleſs the ſaid agent ſhall thereafter receive the ſame fro ſaid officers reſpectively, and the ſame pay to the ſaid treaſurer.

The fifteen *per cent.* to be received, &c.

XXIV. AND BE IT ENACTED, That hereafter it ſhall be the duty of the agent, and the treaſ of the eaſtern and weſtern ſhores reſpectively, to receive, as well the fifteen *per cent.* intereſt, t ſhall have accrued, as all other the arrearages that are now or may hereafter become due from forfeitures and amerciaments, ordinary, retailers, marriage, hawkers and pedlers licences, an fifteen *per cent.* ſo collected ſhall be the only fund from which the agent ſhall draw his three *per* on the ſame.

Agent to give bond, &c.

XXV. AND BE IT ENACTED, That the ſaid agent, before he enters upon the execution o duties of this act, ſhall give bond to the ſtate, before the governor and council, in the pe of ſixty thouſand dollars, with ſuch ſecurity as the governor and council ſhall approve, for the f ful performance of the ſaid duties, which bond ſhall be lodged with the treaſurer of the weſtern ſh and ſhall alſo take an oath, before the chancellor, that he will well and faithfully diſcharg duties of agent, under the act, entitled, An act to appoint an agent for the year one thouſand hundred and ninety-ſeven, to the beſt of his ſkill and judgment; the certificate of which oath be annexed to, or endorſed on, the ſaid bond.

How a vacancy is to be filled.

XXVI. AND BE IT ENACTED, That if the ſaid agent ſhall not accept his appointment, after acceptance, he ſhall not give bond and take the oath aforeſaid before the firſt day of Feb next, or ſhall die, the governor and the council are hereby authoriſed and requeſted to appoint and proper perſon in his place, who ſhall have and execute all the authorities and powers ve the ſaid William Marbury by this act, ſuch perſon firſt giving ſecurity and taking the oath afor

CHAP. LXII.

Paſſed 31ſt of Dec. 1796.

* 1790, ch. 26.

An additional ſupplement to an act, * entitled, An act for the re of the poor of Calvert county. Lib. JG. No. 2. fol. 523.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the truſtees appointed by a ſu ment to the act to which this is an additional ſupplement have not acted as truſtees i ſuance of their appointment,

Juſtices to appoint perſons, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy co ſaid county are hereby empowered to appoint other perſons as truſtees of the poor of ſaid coun the room of any of the ſaid truſtees that have neglected or ſhall hereafter neglect to act as ſuch, in all caſes where any truſtee appointed in virtue of this act ſhall die, or neglect to perfor duties of his office, the ſaid juſtices are in like manner empowered to appoint ſome other truſ his place.

CHAP. LXIII.

* 1795, ch. 59.

A Supplement to an act, * entitled, An act to incorporate an ſurance company in Baltimore-town. Lib. JG. No. 2. fol. 5

Part of an act repealed.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That ſo much of the original act to w this is a ſupplement as requires three directors of the ſaid corporation to be excluded annually ſhall be and is hereby repealed.

Company may inſure freights, &c.

II. AND BE IT ENACTED, That it ſhall be lawful for the ſaid company to inſure freights of or veſſels, and goods or merchandiſe on board of ſhips or veſſels, in addition to the articles all by the ſaid original act to be inſured; and hereafter the ſaid company may employ the ſum of reſerved for the payment of loſſes, on loan, at legal intereſt, on debentures, payable at Balti falling due within ſixty days after the time of the loan.

Stockholder eligible, &c.

III. AND BE IT ENACTED, That any ſtockholder of the ſaid company, not being director other inſurance company, ſhall hereafter be eligible as a director, notwithſtanding ſuch perſo be a ſtockholder in any other inſurance company.

IV.

This act to take effect and be in force immediately after the acceptance thereof by the said ration, and the declaration of their acceptance under the seal of the said corporation, and hand e president, shall be lodged with the clerk of the general court of the western shore.

CHAP. LXIII. When to be in force.

CHAP. LXIV.

ACT to revive and continue the acts of assembly therein mentioned. Lib. JG. No. 2. fol. 524.

Passed 31st of Dec. 1796.

IT ENACTED, *by the General Assembly of Maryland*, That the following acts of assembly, to wit: An act, entitled, An act for the more effectual punishment of certain offenders, and for taking them the benefit of clergy, passed at April session, seventeen hundred and thirty-seven; (a) er act, entitled, An act for repairing the public roads in this province, passed at October session, teen hundred and fifty-three, (b) and a supplementary act thereto, passed at February session, teen hundred and fifty-six; (c) another act, entitled, An act for the amendment of the law, l at November session, seventeen hundred and seventy-three; (d) and a supplementary act there- assed at November session, seventeen hundred and seventy-eight; (e) another act, entitled, An r the relief of insolvent debtors, passed at March session, seventeen hundred and seventy-four, (f) supplement thereto, passed at November session, seventeen hundred and ninety-two; (g) er act, entitled, An act to declare what foreign gold and silver coin shall be deemed the current y of the state, passed at November session, seventeen hundred and eighty-one; (h) another act, ed, An act concerning jurisdiction, passed at November session, seventeen hundred and eighty- (i) another act, entitled, An act for the prevention of lotteries, passed at November session, teen hundred and ninety-two; (k) also an act, entitled, A supplement to the act, entitled, An r the preservation of the breed of fish, passed at November session, seventeen hundred and y-two; (l) also another act, entitled, An act to regulate the inspection of tobacco, passed at mber session, seventeen hundred and eighty-nine, (m) and the several supplementary acts there- assed November session, seventeen hundred and ninety; (n) and also an act, entitled, A further ional supplement to an act to regulate the inspection of tobacco, and to continue certain parts e said act, and the supplementary acts thereto, passed at November session, seventeen hundred ninety-five. (o) be and they are hereby revived and continued until the twentieth day of Octo- seventeen hundred and ninety-eight, subject nevertheless to the operation of any act or acts of bly which have passed since the said recited acts, or either of them.

Several acts revived, &c.

a) 1737, ch. 2. (b) 1753, ch. 16. (c) 1756, ch. 12. (d) November, 1773, ch. 7. (e) 1778, ch. 22. 1774, ch. 28. (g) November, 1792, ch. 51. (h) November, 1781, ch. 16 (i) 1785, ch. 87. November, 1792, ch. 58. (l) November, 1792, ch. 73. (m) 1789, ch. 26. (n) 1790, ch. 55, ch. 57, ch. 64. 1795, ch. 71.

CHAP. LXV.

Supplement to the act, entitled, An act for erecting a public school in Frederick county. Lib. JG. No. 2. fol. 525.

Preamble.

WHEREAS by an act of assembly, passed in the year one thousand seven hundred and sixty-three, * entitled, An act for erecting a public school in Frederick county, it is, among other gs, enacted, that in order to the erecting and building a house, and other conveniencies, for a ty school, there shall be one acre of land purchased in Frederick-town, in Frederick county, by persons in the said act mentioned, who were thereby appointed visitors of the said school, viz. nel Thomas Cresap, Mr. Thomas Beatty, Mr. Nathan Magruder, captain Joseph Chapline, John Darnall, colonel Samuel Beall, and the reverend Mr. Thomas Bacon, which said visitors by the said act invested with certain rights, privileges, powers and authorities: And whereas aforesaid visitors are dead, have removed from the county, or have refused to act: And whereas nother act of assembly, passed in the year one thousand seven hundred and sixty-nine, † entitled, act to appropriate the half acre of ground therein mentioned to the use of the public school in erick county, it is, among other things, enacted, that the justices shall cause half an acre of the ic ground in Frederick-town, as mentioned and described in the said last act, to be laid off and ded, and certificate thereof returned and recorded, for the purposes mentioned and declared in aid act: And whereas agreeably to the first recited act the acre of land has been purchased, and eably to the last recited act the half acre of land has been laid off, bounded, and certificate eof returned and recorded: And whereas by the active exertions and liberal endeavours of the bitants of Frederick county a commodious building for a seminary of learning has been erected nearly completed,

* Chapter 32.

† Chapter 17.

CHAP. LXV.

A ſchool to be founded, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That there ſhall be founded a ſchool ſeminary of learning, in Frederick-town, and Frederick county, under ſuch regulations and ſtrictions as are herein after preſcribed, which ſhall be known by the name of Frederick C School.

Viſitors appointed, &c.

III. AND BE IT ENACTED, That George Murdock, Richard Potts, Philip Thomas, Baker ſon, Francis Mantz, John M'Pherſon and George Baer, junior, of Frederick county, and their ceſſors, appointed in the manner herein after declared, ſhall be viſitors of the ſchool aforeſaid, are hereby declared to be one community, corporation and body politic, to have continuatio ever, by the name of The Viſitors of Frederick County School, and by that name to ſue a fued, implead and be impleaded, and to make and have a common ſeal, and the ſame to break, or renew, when and ſo often as they ſhall think fit.

How vacancies are to be filled.

IV. AND BE IT ENACTED, That the aforeſaid viſitors, and their ſucceſſors, or a majority of t ſhall, at any and at all times upon the death, reſignation, or removal from the county, of any o more of the viſitors, appoint other ſenſible and diſcreet man or men of the ſaid county to be t ſitor or viſitors to fill the vacancy created by the death, reſignation or removal, as aforeſaid.

Viſitors inveſted with rights, &c.

V. AND BE IT ENACTED, That the aforeſaid viſitors, and their ſucceſſors, and a majority of t ſhall have, and are hereby inveſted with, the ſame rights, powers and authorities, as the ſaid vi appointed by the act herein firſt recited had, or were intended to have, and ſhall have and be en to, for the purpoſes herein declared in this act, all ſuch ſums of money which have been or ſh collected from Frederick county aforeſaid, and which were, by the ſaid firſt recited act, direct be paid to the viſitors in the ſaid act mentioned, and which money has not been differently ap or appropriated by any exiſting law made ſince the paſſage of the ſaid firſt recited act.

Land inveſted, &c.

VI. AND BE IT ENACTED, That all ſuch land as has been purchaſed or laid off under and by tue of either of the two recited acts of aſſembly, ſhall and is hereby declared to be inveſted i viſitors aforeſaid, in fee-ſimple, to them and their ſucceſſors, in their corporate capacity, fo purpoſes of a ſeminary of learning in the ſaid county, and for that purpoſe alone.

Viſitors to make ordinances, &c.

VII. AND BE IT ENACTED, That the ſaid viſitors, and their ſucceſſors, or a majority of t ſhall have full power and authority to make fundamental ordinances for the government of the ſc or ſeminary aforeſaid, and the education of the youth, and to appoint ſuch perſon or perſons as t or a majority of them, may think proper, to be a teacher or teachers of the ſaid ſchool.

And meet twice in each year, &c.

VIII. AND BE IT ENACTED, That the ſaid viſitors, and their ſucceſſors, or a majority of t ſhall meet at leaſt twice in each year, at ſuch time as ſhall be appointed by their own ordinance order to examine the progreſs of the ſtudents and ſcholars, and to hear and determine on all plaints and appeals, and all matters touching the diſcipline of the ſeminary, and the good and w ſome execution of their ordinances, on all which occaſions a majority at leaſt of the viſitors compoſe a quorum.

Money inveſted, &c.

IX. AND BE IT ENACTED, That all ſums of money declared by this act to be inveſted i aforeſaid viſitors, and their ſucceſſors, ſhall and are hereby declared to be inveſted in them, and ſucceſſors, in their corporate capacity, for the benefit of the ſaid ſchool or ſeminary, to be ap by the ſaid viſitors, and their ſucceſſors, in completing or erecting any building or buildings fo uſe and advantage of the ſaid ſchool, for the payment of a ſalary or ſalaries for the teacher or te ers, and for ſuch other purpoſe or benefit to the ſaid ſchool as the ſaid viſitors, or their ſucce in their judgment ſhall think moſt conducive to that end.

An oath to be taken.

X. AND BE IT ENACTED, That no perſon ſhall act as viſitor or teacher to the ſaid ſchool be he ſhall take the oath of fidelity and ſupport to this ſtate required by the conſtitution and la this ſtate.

Ordinances to be laid before the aſſembly.

XI. AND BE IT FURTHER ENACTED, That the ordinances which ſhall from time to time be m by the ſaid viſitors, and their ſucceſſors, with an account of their other proceedings, and ma ment of the money committed to their truſt, ſhall, when required, be laid before the general aſſe for their examination and inſtruction.

CH

CHAP. LXVI.

CT, entitled, An act to revive and continue an act, (a) entitled, An act for the punishment horſe-ſtealers and other offenders. Lib. JG. No. 2. fol. 528. Paſſed 30th of Dec. 1796.

1744, ch. 20, hereby intended to be continued to 20th October, 1803, but the title thereof miſquoted. Another act was 1799, ch. 61.

CHAP. LXVII.

ACT relating to negroes, and to repeal the acts of aſſembly herein mentioned. Lib. JG. No. 2. fol. 529.

Paſſed 31ſt of Dec. 1796.

Supplements 1797, ch. 15, 1798, ch. 76.

IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall not be lawful, from and after he paſſing of this act, to import or bring into this ſtate, by land or water, any negro, mulatto er ſlave, for ſale, or to reſide within this ſtate; and any perſon brought into this ſtate as a ſlave ary to this act, if a ſlave before, ſhall thereupon immediately ceaſe to be the property of the n or perſons ſo importing or bringing ſuch ſlave within this ſtate, and ſhall be free. Negroes not to be imported, &c.

PROVIDED NEVERTHELESS, AND BE IT ENACTED, That it ſhall and may be lawful for any ci- or citizens of the United States, who ſhall come into this ſtate with a *bonâ fide* intention of ng therein, to import or bring into this ſtate, at the time of his or her removal into this ſtate, thin one year thereafter, any ſlave or ſlaves the property of ſuch citizen at the time of his or id removal, which ſlave or ſlaves, or the mother or mothers of which ſlave or ſlaves, ſhall have reſident of the United States, or ſome one of them, three whole years next preceding ſuch re- , and the ſame to retain as ſlaves. Proviſo.

1797, ch. 15, this privilege is extended to the executors or adminiſtrators of ſuch perſons dying within one year after val, for one year after ſuch death, and is further extended to the iſſue of ſuch ſlaves born after the removal of the perſon ying; alſo to guardians of infants entitled on ſuch perſons dying within one year after removal, and to male infants ſo en- after the age of twenty-one, and to female infants after the age of ſixteen, in the ſame manner, and to include the iſſue, the caſe of executors.

. AND BE IT ENACTED, That nothing herein contained ſhall be conſtrued to enable any per- perſons, ſo removing as aforeſaid, to ſell or diſpoſe of any ſlave or ſlaves imported by virtue is act, or their increaſe, unleſs ſuch perſon or perſons ſhall have reſided within this ſtate three e years next preceding ſuch ſale, except in caſes of diſpoſition by laſt will and teſtament, and itions by law for *bonâ fide* debts, or conſequent upon inteſtacy. Perſons not to ſell, &c.

. AND BE IT ENACTED, That nothing in this act contained ſhall be conſtrued or taken to the right of any perſon or perſons travelling or ſojourning with any ſlave or ſlaves within this ſuch ſlave or ſlaves not being ſold or otherwiſe diſpoſed of in this ſtate, but carried by the r out of this ſtate, or attempted to be carried. Right not affected, &c.

. AND BE IT ENACTED, That no ſlave manumitted agreeably to the laws of this ſtate ſince the g of the act, (b) entitled, An act to prohibit the bringing ſlaves into this ſtate, or made free r the ſaid act, or who ſhall hereafter be manumitted or made free in virtue of this act, ſhall be led to the privilege of voting at elections, or of being elected or appointed to any office of or truſt, or to give evidence againſt any white perſon, or ſhall be recorded as competent evi- e to manumit any ſlave petitioning for freedom. No ſlave manumitted to vote, &c.

(b) April, 1783, ch. 23.

. AND BE IT ENACTED, That no perſon brought into this ſtate from any of the United States, is bound to ſervice for a term of years only by the laws of the ſtate from which ſuch perſon is ght, ſhall be conſidered as a ſlave for life in this ſtate, but ſuch perſon brought into this ſtate ſerve for the time which the laws of the ſtate from which ſuch perſon is brought oblige him or o ſerve, and no longer. Perſons not to be conſidered as ſlaves, &c.

II. AND, whereas negroes or other ſlaves may have been or may hereafter be carried out of ſtate during the infancy, or without the knowledge, authority or conſent, of the real owners or rietors of the ſame, and it is juſt and reaſonable that the ſaid owners or proprietors ſhould be itted to bring them in again, BE IT ENACTED, That if any negro, or other ſlave, hath been or hereafter be carried out of this ſtate, by any executor, adminiſtrator or guardian, or by any r perſon or perſons, during the infancy or without the conſent or authority of the real owner or rietor of ſuch negro or other ſlave, it ſhall and may be lawful for ſuch owner or proprietor, at time hereafter, to bring the ſaid negro, or other ſlave, into this ſtate again, and to have and the ſaid negro, or other ſlave, as his or her property. Negroes carried out may be brought back, &c.

VIII. AND

CHAP. I.XVII.

Citizens may remove ſlaves, &c.

VIII. AND BE IT ENACTED, That it ſhall and may be lawful for any citizen and reſident of ſtate, being ſeized and poſſeſſed of an eſtate of inheritance in his own right, or in the right of wife, in land lying in any one of the adjoining ſtates, and the owner of any ſlave or ſlaves empl or worked on the ſaid land, to remove and bring ſuch ſlave or ſlaves within this ſtate on the la ſuch owner, for the uſe and benefit of the owner, his or her legal repreſentatives, and not for provided ſuch ſlave or ſlaves hath or have been reſidents of ſome one of the ſaid adjoining ſtate fore the twenty-firſt day of April, in the year one thouſand ſeven hundred and eighty-three, or are the deſcendant or deſcendants of any ſlave, being reſidents as aforeſaid; and provided alſo, a liſt of ſuch ſlave or ſlaves, containing their names, ſexes and ages, be delivered, in writing, ſigned by the owner, his overſeer or agent, to the clerk of the county into which ſuch ſlave or ſ ſhall be brought to reſide, within three months thereafter, and the ſaid liſt ſhall be recorded a expence of the owner of ſuch ſlave or ſlaves, ſo brought into this ſtate; in which liſt of negroe recorded, if title to them be acquired by will, the teſtator's name, the date of the will, and place where recorded, ſhall be inſerted, and if the title to them be derived from marriage, the of the married perſon from whom the title is derived, ſhall likewiſe be inſerted in ſaid liſt, and whole entered on record.

Citizens of adjoining ſtates may remove their ſlaves, &c.

IX. AND BE IT ENACTED, That it ſhall and may be lawful for any citizen and reſident of adjoining (a) ſtate, being ſeized and poſſeſſed of an eſtate of inheritance in his own right, o right of his wife, in land lying in this (a) ſtate, and the owner of any ſlave or ſlaves, reſide any adjoining ſtate before the twenty-firſt day of April, in the year one thouſand ſeven hundred eighty-three, or of the deſcendant or deſcendants of any ſlave, being reſident as aforeſaid, t move and bring any ſuch ſlave or ſlaves into this ſtate, for the purpoſe of employing or working ſlave or ſlaves on the land of ſuch owner within this ſtate, for the uſe and benefit of the owner or her legal repreſentatives, and not for ſale; provided, that a liſt of ſuch ſlave or ſlaves be del ed, in writing, containing the names, ſexes and ages, of ſaid negroes, and ſigned by the owner overſeer or agent, to the clerk of the county in which ſuch ſlave or ſlaves ſhall be *firſt* broug reſide, within three months thereafter, and the ſaid liſt ſhall contain a certificate as aforeſaid, recorded at the expence of the owner of ſuch ſlave or ſlaves ſo removed into this ſtate.

(a) By 1798, ch. 76, this privilege is extended to citizens of this ſtate, the poſſeſſors of land in this or any adjoining ſta

As often as they think proper, &c.

X. AND BE IT ENACTED, That the power of removing ſlaves, as above allowed, may be exer as often as the owner or owners of ſuch ſlaves ſhall think proper, (b) on complying with th rections of this act.

(b) To the owners of ſlaves worked on the ſaid land. The liſt is to be delivered to the clerk of the county into whic ſlaves ſhall be brought to reſide. The liſt to be recorded, and the mode of acquiring them to be noted therein; and the afterwards be removed, as often as the owner chooſes, without recording them each time.

Certain ſlaves may be removed, &c.

XI. AND BE IT ENACTED, That if any citizen of this ſtate hath acquired or ſhall acquire pro in any ſlave or ſlaves, being reſidents of any of the United States before the twenty-firſt d April, in the year ſeventeen hundred and eighty-three, or in the deſcendant or deſcendants of ſlaves, being reſidents as aforeſaid, by marriage, bequeſt, in courſe of diſtribution, or as guar ſuch citizen may remove and bring ſuch ſlave or ſlaves into this ſtate, for the purpoſe only of ploying or working ſuch ſlave or ſlaves within this ſtate, as herein before mentioned, and no ſale; provided, that a liſt of ſuch ſlave or ſlaves be rendered in the manner herein before dire by a citizen of this ſtate, on his bringing ſlaves into this ſtate as herein before allowed; and pro alſo, that the owners of ſuch ſlaves may ſell them after ſuch ſlaves have been reſidents for t years within this ſtate.

Part of an act repealed.
* 1752, ch. 1.

XII. AND BE IT ENACTED, That all that part of an act, * entitled, An act to prevent diſabled ſuperannuated ſlaves being ſet free, or the manumiſſion of ſlaves by any laſt will and teſtament, w is contained within the third ſection thereof, ſhall be and is hereby repealed.

Freedom may be granted by will, &c.

XIII. AND BE IT ENACTED, That from and after the paſſage of this act, it ſhall and may be ful for any perſon or perſons, capable in law to make a valid will and teſtament, to grant freedo and effect the manumiſſion of, any ſlave or ſlaves belonging to ſuch perſon or perſons, by his, h their laſt will and teſtament, and ſuch manumiſſion of any ſlave or ſlaves may be made to take at the death of the teſtator or teſtators, or at ſuch other periods as may be limitted in ſuch laſt and teſtament; provided always, that no manumiſſion hereafter to be made by laſt will and teſta ſhall be effectual to give freedom to any ſlave or ſlaves, if the ſame ſhall be in prejudice of credi nor unleſs the ſaid ſlave or ſlaves ſhall be under the age of forty-five years, and able to work gain a ſufficient maintenance and livelihood at the time the freedom given ſhall commence.

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Part of former acts repealed.

* 1715, ch. 44.
† 1728, ch. 4.

V. AND, whereas it is contrary to the dictates of humanity, and the principles of the chriſtian
n, to inflict perſonal penalties on children for the offence of their parents, BE IT ENACTED,
all thoſe parts of an act, * entitled, An act relative to ſervants and ſlaves, and of another
entitled, A ſupplementary act to the act, entitled, An act relating to ſervants and ſlaves,
impoſe ſervitude to the age of thirty-one years on the iſſue of certain inordinate copulations,
oned in the twenty-ſixth, twenty-ſeventh and twenty-eighth ſections of the ſaid firſt mentioned
nd in the ſecond and third ſections of the ſaid laſt mentioned act, ſhall be and they are hereby
ed; provided always, that nothing in this act ſhall affect the right of any perſon or perſons
ever to the ſervitude of any ſuch iſſue heretofore acquired under the repealed parts of the act
aid.

Penalty on perſons fraudulently exporting free negroes, &c.

. AND BE IT ENACTED, That from and after the paſſage of this act, if any perſon or perſons,
orcibly or fraudulently tranſport or carry, or cauſe to be tranſported or carried, out of this
any free negro or mulatto, knowing ſuch negro or mulatto to be free, every ſuch perſon or
s ſhall forfeit and pay the ſum of eight hundred dollars for every negro or mulatto ſo tranſ-
d or carried, or cauſed to be tranſported or carried, one half to the uſe of the county in which
covery may be had, and the other to the informer, to be recovered by action of debt, or bill
ictment; and if the ſaid ſum be not paid, or ſecured to be paid, as herein directed, within
days after judgment, then ſuch perſon or perſons ſhall and may be adjudged by the court to
on the roads for any period not exceeding five years; and if any perſon or perſons ſhall tranſ-
r carry, or cauſe to be tranſported or carried, out of this ſtate, any negro or mulatto entitled
edom at a certain age, and ſell or otherwiſe diſpoſe of, or cauſe to be ſold or otherwiſe diſpoſed
t of this ſtate, ſuch negro or mulatto as a ſlave for life, or for a longer time than he has to
by law, knowing ſuch negro or mulatto to be entitled to freedom at a certain age, every ſuch
n or perſons ſhall, for every ſuch offence, forfeit and pay the ſum of eight hundred dollars,
alf to the uſe of the county in which the recovery may be had, and the other to the in-
r, to be recovered by action of debt, or bill of indictment; and if the ſaid ſum be not paid,
ured to be paid, as herein directed, within thirty days after judgment, then ſuch perſon
rſons ſhall and may be adjudged by the court to ſerve on the roads for any period not exceed-
ve years.

Or importing them into this ſtate, &c.

II. AND BE IT ENACTED, That from and after the paſſage of this act, if any perſon or perſons
import or bring into this ſtate, any free negro or mulatto, or any perſon bound to ſervice for a
of years only, and ſhall ſell or otherwiſe diſpoſe of ſuch free negro, mulatto, or perſon bound
ve for a term of years only, as a ſlave for life, or for any longer time than by law ſuch perſon
e bound to ſerve, knowing ſuch negro or mulatto to be free, or entitled to freedom at a certain
every ſuch perſon or perſons ſhall, for every ſuch offence, forfeit and pay the ſum of eight
red dollars, to be recovered by action of debt or indictment, one half to the uſe of the county,
ther half to the informer; and in caſe the ſaid ſum ſhall not be paid, or ſecured to be paid,
n thirty days, then ſuch perſon or perſons ſhall and may be adjudged to work on the roads for
erm not exceeding five years.

Maſters, &c. not to ſuffer ſlaves to depart, &c.

II. AND BE IT ENACTED, That if any maſter, miſtreſs, owner or owners, of any ſlave or
, ſhall ſuffer any ſuch ſlave or ſlaves to depart from their reſpective habitation or quarter, and
n at large, begging or becoming burthenſome to the reſpective neighbourhoods, or to other
ns, it ſhall be lawful for the county courts where the maſter, miſtreſs, owner or owners, of
ſlave or ſlaves, ſhall reſide, and they are hereby required, upon the complaint or information of
redible perſon, (ſuch complaint or information being ſupported by oath or affirmation, as the
may require,) to cauſe ſuch complaint or information to be minuted among their proceedings,
hereupon to iſſue their warrant to the ſheriff of their county againſt ſuch maſter, miſtreſs,
r or owners, of ſuch ſlave or ſlaves, thereby to cauſe ſuch maſter, miſtreſs, owner or owners,
pear before them at ſome day to be limitted in ſuch warrant; and if, on a due examination in a
ary way, the ſaid court ſhall be ſatisfied that ſuch maſter, miſtreſs, owner or owners, of ſuch
or ſlaves, have ſuffered ſuch ſlave or ſlaves to depart and wander, or remain at large, contrary
e proviſions and intention of this act, the ſaid court are hereby empowered and required, to
ſuch maſter, miſtreſs, owner or owners, of ſuch ſlave or ſlaves, to enter into recognizance,
one ſufficient ſecurity, if the ſame ſhall be awarded, in the penalty of one hundred dollars, to
ken to and in the name of this ſtate, and the condition of the ſaid recognizance ſhall be ſuch,
if ſuch maſter, miſtreſs, owner or owners, of ſuch ſlave or ſlaves, his, her or their executors or
niſtrators, ſhall ſuffer ſuch ſlave or ſlaves to depart and remain at large, contrary to the proviſ
of the act in ſuch caſes made and provided, then ſuch recognizance ſhall remain in force and
virtue;

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virtue; and if any such master, mistress, owner or owners, of any such slave or slaves, shall afterw commit any breach of the condition of such recognizance, it shall be lawful for any person to p suit and prosecute such recognizance against the cognizor or cognizors thereof; and if the ma mistress, owner or owners, bound by such recognizance, his, her or their executors or administra shall be convicted of any of the breaches assigned by verdict, confession or otherwise, the judgme the court shall be rendered for the penalty and costs of suit, and the same may be recovered by process of execution, and one third of the penalty shall be applied to the use of the prosecutor, the remainder to be applied as a fund for the county school, if any, if not, to the use of the co in which such conviction shall happen, and the name of the person prosecuting such recogniz shall be endorsed upon the original writ, and such person shall be answerable for the fees and c provided, that if any slave or slaves shall run away or abscond from the service of their master, tress, owner or owners, contrary to the will of such master, mistress, owner or owners, such ru away and absconding shall not be construed, deemed or taken, to be a departing and remaini large within the meaning of this act.

Free negroes, &c. not to give or sell their certificates, &c.

XVIII. AND BE IT ENACTED, That in all cases where certificates from a clerk of any court from any judge or magistrate, have heretofore been granted, or may hereafter be granted, to negroes or mulattoes, of such negro or mulatto shall hereafter give or sell such certificate to slave, by which means such slave may be enabled to abscond from the service of his master or ow and personate the grantee of such certificate, it shall and may be lawful for the master or own such slave to have remedy against such free negro in any court of law in this state, and the court fore whom such free negro may be tried, shall have full power and authority, upon conviction by verdict of a jury, or upon confession or otherwise, to fine such free negro or mulatto a sum not ceeding three hundred dollars, in the discretion of the court, one half to the use of the maste owner of such absconding slave, the other half to the county school, in case there be any, if no school, to the use of the county; and in case the said fine shall not be paid, or secured to be within thirty days, then and in such case, the said court may adjudge such free negro to be sold public vendue, for such a term as the said court may deem just and proper, not exceeding s years, and the money arising from such sale shall be paid to the person or persons whose slave have absconded by means of such certificate.

Persons giving a pass, &c. subject to damages, &c.

XIX. AND BE IT ENACTED, That any person or persons, who shall hereafter be convicte giving a pass to any slave, or person held to service, or shall be found to assist, by advice, donatio loan, or otherwise, the transporting of any slave, or any person held to service, from this state by any other unlawful means depriving a master or owner of the service of his slave, or person to service, for every such offence the party aggrieved shall recover damages in an action on the against such offender or offenders, and such offender or offenders also shall be liable, upon indict and conviction upon verdict, confession or otherwise, in this state, in any county court where offence shall happen, be fined a sum not exceeding two hundred dollars, at the discretion of court, one half to the use of the master or owner of such slave, the other half to the county sch in case there be any, if no such school, to the use of the county.

Slaves selling liquor may be apprehended, &c.

XX. AND BE IT ENACTED, That any slave selling liquor, or keeping entertainment at any m ground, horse-race, or other public place whatever, without the orders or permission of his or owner in writing, shall be liable to be apprehended and punished, in the discretion of any justic the peace, not exceeding twenty stripes; that upon the information, on oath or affirmation, as case may be, if any credible person, to any judge, associate justice, or justice of the peace of county of this state, that any free negro, mulatto or other person, is found living idle, without visible means of maintenance, or going at large through such county, and without any visible m of subsistence, such judge or justice is hereby authorised and required to issue his warrant to any stable of his county, directing him to apprehend such person or persons, and bring him, her or th before some judge or justice of such county; and upon the return of any such warrant, such j or justice, before whom the same shall be returned, is hereby authorised and empowered to inq by all lawful means, whether such free negro, mulatto or other person, is an offender under this and if it shall be made appear, to the satisfaction of such judge or justice, that such person is such offender, then in such case such judge or justice is hereby directed forthwith to order such free ne mulatto or other person, to give security for his good behaviour, in a penalty not exceeding th dollars, or on default of such security, to order such free negro, mulatto or other person, to dep the state within five days; and such free negro, or mulatto or other person, refusing to comply w this act, or after leaving this state shall again return within six months, may be again taken up carried before some judge or justice of the peace, who may commit the said free negro, mulatt

perſon, to the common gaol of the county; and in caſe ſuch perſon or perſons, ſo committed, not, within twenty days thereafter, pay his or her priſon charges, it ſhall and may be lawful e ſheriff of ſuch county wherein ſuch perſon or perſons ſhall have been committed, with the bation of any two juſtices of the peace of ſuch county, to ſell ſuch perſon or perſons to ſerve period of time not exceeding ſix calendar months, and the money therefrom ariſing, after pay- of the charges ariſing from ſuch commitment and confinement, to pay over unto the juſtices of vy courts of the reſpective counties, for the uſe of ſaid counties.

No petition to originate in the general court, &c.

I. And be it enacted, That no petition or petitions for freedom ſhall hereafter originate general court of either ſhore, but ſhall commence and be tried only in the county where ſuch oner or petitioners ſhall reſide, under the direction of his, her or their maſter, miſtreſs or ; and the court of the county in which ſuch petition or petitions ſhall be preferred, ſhall full power and authority to iſſue proceſs againſt ſuch maſter, miſtreſs or owner, for the pur- f compelling his or her appearance, directed to the ſheriff of the county where ſuch perſon ſons ſhall reſide, and ſuch ſheriff ſhall ſerve and return ſuch proceſs, in the ſame manner as ed by the county court of his county, and in caſe of neglect or delay in ſuch ſheriff to execute turn ſuch proceſs, he may be fined by the court iſſuing ſuch proceſs.

Petitioner, &c. may apply to the court, &c.

II. And be it enacted, That in all petitions now depending, or hereafter commenced, for om, either the petitioner or defendant may apply to the court for the benefit of a trial by jury, e court ſhall thereupon charge, as the law directs, the attending jury, to determine each and the allegations contained in the ſaid petition, which may be controverted, any law, uſage or n, to the contrary notwithſtanding.

There ſhall be no appeal, &c.

III. And be it enacted, That there ſhall be no appeal from the judgment of the county upon ſuch petitions, except as to matters of law, where the facts ſhall have been tried by a and the maſter, miſtreſs or owner, of ſuch petitioner, or the petitioner, at the election of r, ſhall have the right of appeal as to matters of law only, and to take bills of exception in ſes ſo tried to the general court of their reſpective ſhore, any thing in this act contained to ontrary notwithſtanding.

Maſter, &c. may challenge, &c.

IV. And be it enacted, That either the maſter, miſtreſs or owner, of ſuch petitioner, or petitioner, ſhall have the right and privilege of challenging peremptorily to the number of e jurors impannelled to try the facts in iſſue, and for want of a ſufficient number of jurors re- ng upon the original pannel, a *tales*, at the prayer of either party, ſhall be awarded by the to try the ſaid iſſue or iſſues.

The attorney to pay coſts in certain caſes, &c.

V. And be it enacted, That in all caſes of petitions for freedom hereafter to be inſti- in any court of law in this ſtate, where the petition or petitions ſhall be diſmiſſed, or upon the judgment be againſt ſuch petitioner or petitioners, the attorney proſecuting or appearing to ame ſhall pay all legal coſts ariſing thereon, unleſs the court, before whom the ſame may be ght, ſhall be of opinion, under all circumſtances, that there was probable ground to ſuppoſe aid petitioner or petitioners had a right to freedom; and that in all caſes of petitions for free- now depending in any court of law in this ſtate, except on appeal, where a ſimilar petition or ions, at the ſuit of the ſame party or parties, has or have been before filed and diſmiſſed, the before whom ſuch petition or petitions are depending ſhall order a ſtay of all proceedings the coſts of the former petition or petitions, and all reaſonable demands and expences ſuſ- d or incurred by the defendant or defendants therein, to be aſcertained by the court, ſhall have paid or ſecured to be paid.

If not paid, defendant to be diſcharged, &c.

VI. And be it enacted, That in caſe the ſaid coſts, damages and expences, ſhall not be within ſix months after the court ſhall have ordered a ſtay of proceedings, and aſcertained the damages and expences as aforeſaid, the defendant or defendants in ſuch petition or petitions, ſo foreſaid depending, and his, her or their ſecurities, ſhall be diſcharged from any recognizance m, her or them, entered into, in conſequence of ſuch petition or petitions being filed, and the petition ſhall be forthwith diſmiſſed.

Court may order a ſtay, &c.

VII. And be it enacted, That if any petition for freedom ſhall hereafter be filed in any t of law in this ſtate, and diſmiſſed, and a ſecond petition filed at the ſuit of the ſame party, court in which ſuch ſecond petition may be filed ſhall order a ſtay of all proceedings until the of the former petition, and all reaſonable damages and expences ſuſtained or incurred by the

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defendant or defendants therein, to be aſcertained by the court, ſhall have been paid or ſecur be paid.

Act to be given in charge, &c.

XXVIII. AND BE IT ENACTED, That it ſhall be the duty of the ſeveral county courts o ſtate to give this act in charge to the ſeveral grand juries of their reſpective counties.

Healthy ſlaves may be manumitted, &c.

XXIX. AND BE IT ENACTED, That where any perſon or perſons poſſeſſed of any ſlave or ſ within this ſtate, who are or ſhall be of healthy conſtitutions, and ſound in mind and body, ca by labour to procure to him or them ſufficient food and raiment, with other requiſite neceſſar life, and not exceeding forty-five years of age, and ſuch perſon or perſons poſſeſſing ſuch ſla ſlaves as aforeſaid, and being willing and deſirous to ſet free or manumit ſuch ſlave or ſlaves, by writing under his, her or their hand and ſeal, evidenced by two good and ſufficient witne leaſt, grant to ſuch ſlave or ſlaves his, her or their freedom; and that any deed or writing, wh freedom ſhall be given or granted to any ſuch ſlave, which ſhall be intended to take place in fu ſhall be good to all intents, conſtructions and purpoſes whatſoever, from the time that ſuch fre or manumiſſion is intended to commence by the ſaid deed or writing, ſo that ſuch deed and wr be not in prejudice of creditors, and that ſuch ſlave, at the time ſuch freedom or manumiſſion take place or commence, be not above the age aforeſaid, and be able to work, and gain a ſuffi livelihood and maintenance, according to the true intent and meaning of this act; which inſtru of writing ſhall be acknowledged before one juſtice of the peace of the county wherein the perſ perſons granting ſuch freedom ſhall reſide, which juſtice ſhall endorſe on the back of ſuch inſtru the time of the acknowledgment, and the party making the ſame, which he or they, or the pa concerned, ſhall cauſe to be entered among the records of the county court where the perſon or ſons granting ſuch freedom ſhall reſide, within ſix months after the date of ſuch inſtrument of wri and the clerk of the reſpective county courts within this ſtate ſhall, immediately upon the recei ſuch inſtrument, endorſe the time of his receiving the ſame, and ſhall well and truly enrol ſuch or inſtrument in a good and ſufficient book, in folio, to be regularly alphabeted in the names of parties, and to remain in the cuſtody of the ſaid clerk for the time being among the records of reſpective county courts; and that the ſaid clerk ſhall, on the back of every ſuch inſtrument, full legible hand, make an endorſement of ſuch enrolment, and alſo of the folio of the book in w the ſame ſhall be enrolled, and to ſuch endorſement ſet his hand, the perſon or perſons requiring entry paying the uſual and legal fees for the ſame.

A copy good evidence, &c.

XXX. AND BE IT ENACTED, That a copy of ſuch record, duly atteſted under the ſeal of office, ſhall at all times hereafter be deemed, to all intents and purpoſes, good evidence to p ſuch freedom.

Several acts repealed.

XXXI. AND BE IT ENACTED, That an act paſſed at April ſeſſion, ſeventeen hundred and eig three, chapter twenty-three, entitled, An act to prohibit the bringing of ſlaves into this ſtate, an act paſſed at November ſeſſion, ſeventeen hundred and ninety, chapter nine, entitled, An a repeal certain parts of an act, entitled, An act to prevent diſabled and ſuperannuated ſlaves b ſet free, or the manumiſſion of ſlaves by any laſt will and teſtament, and of a ſupplementary thereto, and for certain other purpoſes, and an act paſſed at November ſeſſion, ſeventeen hun and ninety-one, chapter fifty-ſeven, entitled, A ſupplement to the act, entitled, An act to pro the bringing ſlaves into this ſtate, and to alter and amend parts of the ſaid act, and an act paſſe November ſeſſion, ſeventeen hundred and ninety-one, chapter ſeventy-five, entitled, An act c cerning petitions for freedom, and an act paſſed at November ſeſſion, ſeventeen hundred and nin three, entitled, A ſupplement to an act concerning petitions for freedom, and an act paſſed Nov ber ſeſſion, ſeventeen hundred and ninety-four, entitled, A further ſupplement to an act to pro the bringing ſlaves into this ſtate, ſhall be and the ſame are hereby repealed; provided, that all ri heretofore acquired under the ſaid repealed laws, or any of them, ſhall not be affected or impaire this act.

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Paſſed 31ſt of Dec. 1796.

An ACT to erect Baltimore-town, in Baltimore county, into a ci and to incorporate the inhabitants thereof. Lib. JG. No. 2. fol. 54

Supplementary and other acts 1797, ch. 54, 1797, ch. 57, 1797, ch. 75, 1798, ch. 2, 1798, ch.

Preamble.

WHEREAS it is found by experience that the good order, health, peace and ſafety, of towns and cities cannot be preſerved, nor the evils and accidents to which they are ſu avo

d or remedied, without an internal power, competent to eſtabliſh a police and regulation fitted ir particular circumſtances, wants and exigencies; therefore,

Baltimore-town erected into a city, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That Baltimore-town, in Baltimore coun- all be and is hereby erected into a city, by the name of The City of Baltimore, and the inha- s thereof conſtituted a body politic and corporate, by the name of The Mayor and City Coun- Baltimore, and as ſuch ſhall have perpetual ſucceſſion, and by their corporate name may ſue e ſued, implead and be impleaded, grant, receive, and do all other acts, as natural perſons, ay purchaſe and hold real, perſonal and mixed property, or diſpoſe of the ſame for the benefit ſaid city, and may have and uſe a city ſeal, which may be broken or altered at pleaſure; the f Baltimore ſhall be divided into eight wards, each ward to contain, as nearly as may be, an number of inhabitants; the firſt diviſion ſhall be made by ſeven reſpectable citizens, or a ma- of them, to be appointed by the governor and council; and the corporation of the ſaid city fter, from time to time, ſhall cauſe a correct diviſion of the ſaid city to be made into eight , according to the actual number of inhabitants, which diviſions ſhall be repeated as often as ncreaſe or decreaſe of inhabitants in any ward or wards ſhall render it neceſſary, in order to a epreſentation, and when the inhabitants ſhall increaſe to forty thouſand, it ſhall then be divided ifteen wards, and for any additional increaſe of inhabitants one new ward only ſhall be added very twenty thouſand, in order to preſerve, as nearly as may be, an equal number of voters in ward.

Council to conſiſt of two branches, &c.

. AND BE IT ENACTED, That the council of the city of Baltimore ſhall conſiſt of two branches, whereof ſhall be denominated The Firſt Branch, the other The Second Branch; the firſt h ſhall conſiſt of two members, of the moſt wiſe, ſenſible and diſcreet of the people, from each who ſhall be citizens of the United States, above twenty-one years of age, reſidents of the town three years preceding their appointment, and aſſeſſed on the books of the aſſeſſor to the nt of one thouſand dollars; and the voters for the firſt branch of the ſaid city council ſhall have me qualifications as voters for delegates to the general aſſembly of this ſtate; and the ſaid elec- ſhall be made *viva voce*.

When the firſt election is to be held, &c.

. AND BE IT ENACTED, That the firſt election for members of the firſt branch of the city coun- all be held on the third Monday in February, one thouſand ſeven hundred and ninety-ſeven, n the third Monday in February in each and every year thereafter, at ſuch place in each ward e judges of the election, in the firſt inſtance, and afterwards as the corporation by ordinance, direct; the election ſhall be held by wards, and no perſon ſhall be entitled to vote for any but members of the ward of which he is a reſident; three reſpectable citizens, reſidents in each , or a majority of them, in the firſt inſtance to be appointed by the commiſſioners of Baltimore- , and afterwards by the mayor of ſaid city, ſhall be judges of the elections in their reſpective s, and they ſhall have power to appoint their reſpective clerks.

y 1797, ch. 54, the elections for members of the firſt branch of the city council are to be held on the firſt Monday in October very year.

Polls to be kept open one day, &c.

. AND BE IT ENACTED, That the polls in each ward ſhall be kept open one day, from eight ck in the morning till ſix o'clock at night, and no longer, and when cloſed, the ſeveral judges within three days after ſuch election, notify to the perſons having the greateſt number of legal s in their reſpective wards that they are duly elected; and they ſhall make their return, and de- their polls, in the firſt inſtance with the preſent clerk of the commiſſioners of Baltimore-town, thereafter as ſhall be directed by ordinance; any vacancy happening in the firſt branch of the council ſhall be filled up without delay from the ward where ſuch vacancy happened, in ſuch ner as ſhall be hereafter directed by ordinance.

Second branch to conſiſt of eight members, &c.

I. AND BE IT ENACTED, That the ſecond branch ſhall conſiſt of eight members, who ſhall be en from the ſeveral wards, and no perſon ſhall be eligible as a member of the ſecond branch, is not of the full age of twenty-five years, a citizen of the United States, and a reſident of the town four years previous to his election, and aſſeſſed on the books of the aſſeſſor to the amount wo thouſand dollars; and the members of the ſecond branch ſhall continue in office for the term wo years next ſucceeding the time of their election.

How the mayor, &c. are to be choſen, &c.

II. AND BE IT ENACTED, That the mayor of the ſaid city, and the members of the ſecond ch of the city council, ſhall be choſen in the following manner, to wit: That each ward, at the and place of electing the firſt branch of the city council, ſhall elect, *viva voce*, one perſon quali-

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fied to be a member of the first branch, as elector of the mayor and of the members of the se branch of the city council, on the third Monday in January next, and on the same day every se year thereafter, (a) who shall, on the third Monday of February, one thousand seven hundred ninety-seven, and on the same day every second year thereafter, meet at the court-house, or other convenient place in the said city, and elect, by ballot, a mayor, and eight members of second branch, to serve for two years thereafter; no person shall be eligible for mayor who is n known integrity, experience and sound judgment, twenty-five years of age, ten years a citizen o United States, and five years a resident of Baltimore-town, or city, next preceding the elec and in case two or more persons shall have an equal number of votes for mayor, or members of second branch, the said electors shall determine, by lot, which of the persons, so having an e number of votes, shall be appointed to the office of mayor, or second branch of the city council the case may require; the said electors of the mayor and of the members of the second branch, fore they proceed to elect, shall swear, or affirm, as the case may be, that they will elect, with favour, partiality or prejudice, such person for mayor, and such persons as members of the se branch of the city council, as they in their judgment and conscience believe best qualified for said offices, and having the other qualifications required by this act; that the said electors sha judges of the elections, returns and qualifications, of their members, but no person shall be ele of the mayor and member of the first branch of the city council at the same time; any vacancy h pening in the electors of the mayor, shall be filled up from the ward where such vacancy happe without delay, in such manner as shall be hereafter directed by ordinance, and any vacancy of mayoralty happening, the same shall be filled up without delay by the electors of the mayor for time being, for the remainder of the term; and all vacancies happening in the said second bra shall be filled up by the electors aforesaid.

(a) By 1797, ch. 54, the elections for electors of the mayor, and the members of the second branch of the city council, directed to be held on the first Monday in October, 1798, and in every second year thereafter; and the electors of the m &c. were directed to meet on the first Monday in November, 1798, and in every second year thereafter, for the purpose of ing a mayor and members of the second branch of the city council.

First session to be held, &c.

VIII. AND BE IT ENACTED, That the city council shall hold their first session at the court-ho in Baltimore, or at any other place within said city, on the second Monday in February, one th sand seven hundred and ninety-seven, and they shall meet on the second Monday of Februar every year thereafter, but the mayor may summon them to convene whenever and as often as it appear to him that the public good may require their deliberations; three fourths of the city co cil shall be a quorum to do business, but a smaller number may adjourn from day to day; they compel the attendance of absent members, in such manner, and under such penalties, as they by ordinance provide; they shall appoint their respective presidents, who shall preside at all t sessions, and shall vote on all questions; they shall settle their rules of proceedings, appoint t own officers, regulate their respective fees, and remove them at pleasure; they shall judge of elections, returns and qualifications, of their own members, and may, with the concurrence of th fourths of the whole, expel any member for disorderly behaviour, or mal-conduct in office, but n second time for the same cause; they shall keep a journal of their proceedings, and enter the y and nays on any question, resolve or ordinance, at the request of any member, and their delib tions shall be public; they shall ascertain, by ordinance, the compensation of their services, wh shall not be increased during their continuance in office; the second branch of the city council sh nominate two citizens to each office which may arise under this act, and the ordinances of said c poration, and the mayor shall appoint and commission one of said nomination to fill the respec offices during pleasure; and the said mayor shall appoint proper persons to fill up all vacancies dur the recess of the session, to hold such appointment until the ensuing session; the city council sh settle the salary of the first mayor at their first session of the second year, and the salary of the s ceeding mayors shall be settled previously to their appointment; all ordinances or acts passed by city council shall be sent to the mayor for his approbation, and when approved by him, shall beco a law, and shall then be obligatory upon the several courts and justices of the peace of Baltim county, sheriff and constables within the limits of the city of Baltimore, and all other persons wi in the limits of said city, to every intent and purpose, as the acts of the general assembly of Ma land, provided the said laws or ordinances shall not contain any thing repugnant to the constitut or laws of this state, or the United States; but if the said mayor shall not approve of such ordinan or acts, he shall return the same within five days, with his reasons in writing therefor, and if th fourths of both branches of the city council, on reconsideration thereof, approve of the ordina or law, it shall then be an ordinance or law, to all intents and purposes; and if any ordinance law shall not be returned by the mayor within five days after it shall have been presented to him, same shall be a law, in like manner as if he had approved it, unless the city council, by their a journment, prevent its return.

IX. A

CHAP. LXVIII. Corporation to paſs laws, &c.

AND BE IT ENACTED, That the corporation aforeſaid, ſhall have full power and authority to and paſs all laws and ordinances neceſſary to preſerve the health of the city; prevent and re- nuiſances; to prevent the introduction of contagious diſeaſes within the city, and within three of the ſame; to eſtabliſh night watches or patroles, and erect lamps; to provide for a general of the city and precincts; to aſcertain, when neceſſary, the boundaries and location of ſtreets, anes and alleys thereof; to eſtabliſh new ſtreets, lanes and alleys, with the conſent of the etors of the ground, and to alter and to ſtreighten ſtreets, lanes and alleys, with the conſent proprietors of the lots or houſes adjoining ſuch ſtreets, lanes and alleys; to provide for the vation of the navigation of the baſon, and Patapſco river within the limits of the city of ore, and four miles thereof; for cleaning and deepening the baſon and docks, and for regulate- ſtation, anchoring and mooring of veſſels; but no tax, direct or indirect, ſhall be laid on that Baltimore called Deptford Hundred for the preſervation of the navigation of the baſon, or aning or deepening the baſon or docks therein; to provide for licenſing and regulating auc- nd pawnbrokers within the city and precincts thereof; to reſtrain or prohibit gaming, and to e for licenſing, regulating or reſtraining, theatrical or other public amuſements within the city cincts; to erect and repair bridges; to pave and keep in repair all neceſſary drains and ſewers, paſs all regulations neceſſary for the preſervation of the ſame; to eſtabliſh and regulate in- ns within the city, ſubject to the future acts of the general aſſembly; to regulate and fix the of bread; to provide for the ſafe keeping and preſervation of the ſtandard of weights and es fixed by congreſs, and for the regulating thereby all weights and meaſures uſed within the d precincts; to regulate party walls and partition fences; to erect and regulate markets; to e for licenſing and regulating, (with the conſent of the Maryland inſurance fire company,) eeping of chimnies, and fixing the rates thereof, within the city and precincts, and for regulate- e ſweeping of any chimney, by the neglect of which the ſafety of the city may be endangered, aſcertain the width of thoſe to be built in the city; to eſtabliſh and regulate fire wards and mpanies; to regulate and eſtabliſh the ſize of bricks that are to be uſed in the houſes to be n the city; to erect and regulate pumps in the ſtreets, lanes and alleys; to impoſe and appro- fines, penalties and forfeitures, for the breach of their by-laws or ordinances; to lay and col- xes, not exceeding two dollars in the hundred pounds in any one year, except as before is ex- ; to enact by-laws for the prevention and extinguiſhment of fire; and to paſs all ordinances ry to give effect and operation to all the powers veſted in the corporation of the city of Bal- ; provided, that the by-laws or ordinances of the ſaid corporation ſhall be in no wiſe obliga- pon the perſons of nonreſidents of the ſaid town, being citizens of this ſtate, unleſs in caſes ntional violation of by-laws or ordinances previouſly promulgated; all the fines, penalties and ures, impoſed by the ordinances of the corporation of the city of Baltimore, if not exceeding dollars, ſhall be recovered before a ſingle magiſtrate, as ſmall debts are by law recoverable, ſuch fines, penalties and forfeitures, do exceed the ſum of twenty dollars, then to be reco- by action of debt, in Baltimore county court, in the name of the corporation, and for the uſe city of Baltimore.

eral additional powers are given by 1797, ch. 54; and by 1797, ch. 75, the mayor, with any two juſtices of the peace, rreſt and impriſon any French ſlave who is dangerous to the city, and ſend ſuch ſlave to the Weſt Indies, in the manner n directed.

Powers of the commiſſioners to ceaſe, &c.

AND BE IT ENACTED, That the powers and authority veſted in the town commiſſioners, commiſſioners and port-wardens, heretofore appointed by law for Baltimore-town, except thority of the town commiſſioners to hold elections agreeably to the conſtitution and form of ment, (a) ſhall ceaſe and determine as ſoon as this act ſhall be in force and operation; and rporation of the city of Baltimore are hereby declared to poſſeſs, and may provide for the ex- of, all powers and authorities now veſted in the ſaid town commiſſioners, ſpecial commiſſioners rt-wardens, except the holding of elections for delegates to the general aſſembly, but no rights ed under the acts of the aforeſaid boards ſhall be annulled, impaired, avoided or reſtrained, by t of the ſaid corporation; and immediately upon the operation of this act, and organization corporation contemplated thereby, the records, papers, proceedings, monies, accounts, and all matters and things appertaining to the ſaid commiſſioners of Baltimore, ſpecial commiſſioners rt-wardens, ſhall be lodged and depoſited with ſuch perſon or perſons as ſhall be appointed by yor and corporation of the city to receive the ſame; and all acts of the legiſlature of the ſtate ryland, now in force, ſhall continue and remain in force, but the powers and authorities there- egated to the commiſſioners of Baltimore-town, ſpecial commiſſioners and port-wardens, or any

This part of the conſtitution was altered by 1797, ch. 57, (confirmed by 1798, ch. 2,) which appointed other judges, and 98, ch. 111, judges were appointed for elections of repreſentatives in congreſs, and of electors of the preſident and vice- ent. By 1799, ch. 50, ſection 10, the judges of the elections for the firſt branch of the city are to be judges of the elec- in which the town commiſſioners had been judges.

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any other tribunal or perſons, touching the police of Baltimore-town, or any of its internal
cerns, ſhall be and they are hereby transferred and veſted in the corporation hereby conſtituted,
the ſaid corporation are hereby empowered to act under ſuch laws, in the ſame manner, and as
as if the ſaid corporation had been particularly named in ſuch laws; the mayor ſhall, in virt
his office, have and exerciſe all the juriſdiction and powers of a juſtice of the peace, except
the recovery of ſmall debts, and may call upon any officer of the city intruſted with the receip
expenditure of public money for a ſtatement of his accounts, as often as he or the corporation
conceive it neceſſary; he ſhall ſee that the ordinances are duly and faithfully executed, and
report annually to the corporation, during the firſt five days of their ſeſſion, a general ſtate o
city, with an accurate account of the money received and expended, to be publiſhed for the i
mation of the citizens; the mayor and corporation of the city of Baltimore, the judges and c
of the elections, and all other officers of the city, before they enter upon the execution of
reſpective offices, ſhall ſeverally take the following oath, or affirmation: "I do ſolemnly ſwea
"affirm, as the caſe may be, that I will faithfully execute the office of ————, to the beſt o
"knowledge and ability, without favour, affection or partiality."

Tax may be collected by diſtreſs, &c.

XI. AND BE IT ENACTED, That the perſon or perſons appointed to collect any tax impoſ
virtue of the powers granted by this act, ſhall have authority to collect the ſame by diſtreſs and
of the goods and chattels of the perſon chargeable therewith, but no ſale ſhall be made, unle
days previous notice thereof be given, and if the tax impoſed ſhall be chargeable on any rea
perty, and no goods or chattels can be found liable to be diſtreſſed therefor, the ſame may be
vered by action of debt, or attachment, in Baltimore county court, in which no imparlance ſh
allowed.

Powers to extend to Deep Point, &c.

XII. AND BE IT ENACTED, That all and ſingular the powers granted to the ſaid corporation
be and are hereby declared to extend to Deep Point, and to all wharfs and other grounds here
made and extended into the baſon of Baltimore-town, or which ſhall hereafter be made or ext
into the ſame, which ſhall be conſidered and taken as part of the ſaid city; and the ſaid corpor
may provide for the exerciſe of ſuch powers, in the ſame manner as if the ſaid wharfs and recl
lands were originally condemned as part of the ſaid town.

Act declared perpetual.
* Chapter 69.

XIII. AND BE IT ENACTED, That an act of aſſembly, paſſed at November ſeſſion, ſeve
hundred and eighty-four, * entitled, An act for the eſtabliſhment and regulation of a night w
and the erection of lamps, in Baltimore-town, in Baltimore county, ſhall be, and is hereby en
and declared to be, a perpetual law, ſubject nevertheleſs to ſuch alterations, amendments and
ons, as may hereafter be enacted and ordained by the corporation aforeſaid, or the legiſlature o
ſtate.

Money to be aſſeſſed, &c.

XIV. AND, whereas the committee of health of Baltimore have incurred a debt of two tho
two hundred dollars in the execution of the truſt repoſed in them, BE IT ENACTED, That the
poration aforeſaid ſhall aſſeſs and levy, on the aſſeſſable property of ſaid city, the amount of th
penditures of the ſaid committee of health for and during the year ſeventeen hundred and nine
to be collected in the ſame manner as the county levy is by law directed to be collected, and
applied as aforeſaid.

Duration.

XV. This act to continue in force until the firſt day of September, ſeventeen hundred and ni
eight, and the end of the next ſeſſion of aſſembly which ſhall happen thereafter.

Declared to be perpetual by 1797, ch. 54, except where altered by that act.

CHAP. LXIX.

Paſſed 31ſt of Dec. 1796.

An ACT to lay out and eſtabliſh a turnpike road from the city of Waſhington to Baltimore-town. Lib. JG. No 2. fol. 548.

A ſubſcription to be opened, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That a ſubſcription be opened for a c
of one hundred and ſixty thouſand dollars, in ſhares of two hundred dollars each, and that
tavus Scott, Tobias Lear, Notley Young, William Deakins, junior, and Marſham Waring, be
they are hereby appointed managers for taking ſubſcriptions for three hundred ſhares at the c
Waſhington; and that Henry Nicholls, James Carroll, John O'Donnell, Richard Caton and W
am Lorman, be and they are hereby appointed for taking ſubſcriptions for three hundred ſha
Baltimore-town; and that John Davidſon, Philip B. Key, James Williams, John Muir and
Mackubin, be and they are hereby appointed for taking ſubſcriptions for two hundred ſhares a

Annapolis; and the ſaid ſubſcriptions ſhall be opened on the ſecond Monday in April next, ch ſix weeks previous and ſucceſſive notice ſhall be given in the Baltimore-town, George-town, and Annapolis papers; and the ſubſcription books ſhall be continued open until the capital id ſhall be ſubſcribed, and on the completion thereof, a juſt and true liſt of all the ſubſcribers, he ſhares ſubſcribed by each, ſhall be made out and returned by the ſaid managers under their to the clerks of Baltimore, Anne-Arundel, and Prince-George's county courts, who are ſeverally authoriſed and directed to record the ſame among the land records of their reſpec- ounties, and an atteſted copy of ſuch record, under the hand of the ſaid clerks, and ſeal of ffice, or either of them, ſhall in all caſes be ſufficient evidence of ſuch ſubſcription.

A meeting may be called, &c.

AND BE IT ENACTED, That as ſoon as five hundred ſhares ſhall be ſubſcribed, the perſons empowered to take in ſubſcriptions, or any eight of them, may call a meeting of the ſub- s, at the city of Waſhington, after not leſs than four ſucceſſive weeks notice in the Baltimore- George-town, Eaſton and Annapolis news-papers; and the ſubſcribers aſſembled in conſequence notice ſhall chooſe, by ballot, from among the ſubſcribers, by a majority of the votes of ſuch l be preſent, in perſon or by proxy, twelve directors for the term of one year thereafter, and ſame day annually, for ever thereafter, a like election ſhall be made; and in caſe of refuſal, reſignation, diſqualification, or removal out of the ſtate, of any director, the remaining di- , at their meeting thereafter, ſhall elect, by ballot, another perſon qualified as aforeſaid in his for the reſidue of the year; the directors, or any ſeven of them, ſhall, at their firſt meeting very general election, elect, by a majority of the members preſent, by ballot, from among the olders, a preſident, who ſhall, whether a director or not, be thereupon entitled to all the and privileges of one, and if he was before a director, another director ſhall be elected as id, ſo as to keep up the number of directors preſcribed by this act, excluſive of the preſident; caſe of refuſal, death, reſignation, diſqualification, or removal out of the ſtate, of the preſi- the directors ſhall meet, as ſoon as conveniently can be thereafter, and elect another perſon ſident in the manner before directed.

Stockholders incorporated, &c.

AND BE IT ENACTED, That the ſtockholders in the ſaid company ſhall be and they are here- orporated, and conſtituted a body corporate and politic, by the name of The Preſident, Di- and Company, of the Waſhington Turnpike Road, and by the ſame name ſhall have ſucceſ- ring the continuance of this incorporation; and the ſaid ſtockholders, and their ſucceſſors, by me aforeſaid, may ſue and be ſued, anſwer and be anſwered, in any court of law or equity in te, and may do and execute every other matter and thing by the name aforeſaid that they are ſed to do in virtue of this act, and ſhall have power to make a ſeal, and alter, or break and the ſame, according to their will and pleaſure.

Directors to receive ſubſcriptions, &c.

AND BE IT ENACTED, That after the ſaid directors ſhall be appointed, they ſhall have full and authority to receive ſubſcriptions for all unſubſcribed or vacant ſhares, and thereupon the s heretofore veſted in the managers for taking ſubſcriptions ſhall ceaſe; and that there be a g of the directors quarterly, for the purpoſe of regulating the affairs of the corporation, any of whom to make a board, and that the board have power to adjourn from time to time; and eſident, or any three of the directors, may call a ſpecial meeting at any other time they may neceſſary.

Preſident, &c. to appoint commiſſioners, &c.

AND BE IT ENACTED, That the preſident and directors be and are hereby authoriſed to ap- five commiſſioners, neither of whom ſhall be an inhabitant of Anne-Arundel, Baltimore or -George's counties, or directly or indirectly intereſted in any of the lands through which the ad may or ſhall paſs; and the ſaid commiſſioners, or a majority of them, ſhall lay out and mark ic road from the city of Waſhington to Baltimore-town, on as ſtreight a line as the nature of untry, and public convenience, will admit; provided that the ſaid road ſhall not be carried gh any building, garden, yard, or bearing apple orchard, without the conſent of the owner and or thereof.

Who ſhall take an oath, &c.

AND BE IT ENACTED, That the ſaid commiſſioners, before they proceed to the execution of wers veſted in them by this act, ſhall take the following oath, or affirmation: "I, A. B. ap- nted a commiſſioner to lay out and mark a public road from the city of Waſhington to Balti- e-town, will lay out and mark the ſame according to the beſt of my ſkill and judgment, and ording to the directions of an act of aſſembly, entitled, An act to lay out and eſtabliſh a turn- e road from the city of Waſhington to Baltimore-town; I do further ſwear, or affirm, that I not inveſted in any lands through which the ſaid road is likely to paſs."

VII. AND

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Courſes, &c. to be returned, &c.

VII. AND BE IT ENACTED, That the commiſſioners aforeſaid, after they ſhall have laid ou marked the ſaid road, are hereby directed to return the courſes, bounds and plot thereof, to the of Baltimore county court, and a duplicate thereof to the clerk for recording of deeds in the tory of Columbia, and to the clerks of Prince-George's and Anne-Arundel county courts, to them recorded at the expence of the ſaid body corporate; and the ſaid road, ſo laid out and re ed as aforeſaid, ſhall be for ever thereafter taken, held and adjudged, a public road and co highway.

Preſident, &c. may agree with perſons, &c.

VIII. AND BE IT ENACTED, That the ſaid preſident and directors, and their ſucceſſors, majority of them aſſembled, ſhall have full power and authority, from time to time, to agree and employ any perſon or perſons on behalf of ſaid company to grub, ſtone, clear and make, ſaid ſixty-ſix feet in breadth, in the manner hereafter directed, and to do all other things for the comp of ſaid road in the manner required by this act; and that the preſident and directors may eſt rules and regulations for conducting the buſineſs of the corporation, and appoint the various o and labourers, and pay all expences, which they may find neceſſary.

Sums to be paid to the directors, &c.

IX. AND BE IT ENACTED, That the ſums ſo ſubſcribed before the ſaid directors ſhall be ap ed as aforeſaid, ſhall be paid to the directors as follows, to wit: One fourth thereof at the one month after the election of the directors, one fourth at the end of one year after the elec the directors, one fourth at the end of eighteen months after the election of the directors, a reſidue at the end of two years after the election of the directors; and that all ſubſcriptions ſhall be ſo made, after the election of ſuch directors, ſhall be paid in ſuch manner, and in ſuch portions, as the ſaid directors ſhall, from time to time, order and direct; provided nevertheleſs the directors for the time being may, in their diſcretion, ſuſpend, or totally releaſe, the pay of any part of the ſaid ſubſcriptions made before or after the election of directors, as they ma expedient; and if any ſubſcriber ſhall fail in making payment as aforeſaid, within ſixty days the time limitted therefor, he ſhall be liable to forfeit, if the poſſeſſor of one ſhare, the ſaid ſh ſubſcribed, as alſo all monies paid on account thereof; if the ſubſcriber ſo failing ſhall be the h of more than one ſhare, he ſhall be entitled to retain and hold as many ſhares as the ſums of m by him advanced will pay for, the remaining ſhares, as alſo the ſurplus of money advanced, if ſufficient to pay for an additional ſhare, ſhall be liable to forfeiture, if the ſaid preſident and dir ſhall chooſe to declare the ſame forfeited, and in ſuch caſe it ſhall and may be lawful for th preſident and directors to ſell and diſpoſe of ſuch forfeited ſhares, for the uſe and benefit of th corporation; and if any of the ſubſcribers or proprietors, after any payment ſhall have be ordered and advertiſed as aforeſaid, ſhall refuſe or neglect to make ſuch payment within the limitted, and the ſaid preſident and directors ſhall elect, inſtead of the forfeiture aforeſaid, to pr againſt ſuch ſubſcriber or proprietor, in order to compel ſuch payment, it ſhall and may be law the ſaid preſident and directors, in the name of the ſaid corporation, to proſecute an action o againſt ſuch perſon, either in the general court, or the county court of the county where ſuch p ſhall reſide, and if a copy of the declaration in ſuch caſe be ſerved with the writ, ten days the court to which ſuch writ ſhall be returnable, the ſaid court ſhall proceed to trial and judg at the firſt term; and any purchaſer or purchaſers of any forfeited ſhares ſhall, in caſe of compliance with his or their contract, or failure to make any future payments that may accrue ſuch purchaſed ſhare after the time of ſuch purchaſe, be liable, in the election of the ſaid pre and directors, to forfeiture, or to ſuch ſummary proceedings as aforeſaid, in the ſame manner a original ſubſcriber or proprietor.

A road to be laid out, &c.

X. AND BE IT ENACTED, That the ſaid company ſhall cauſe a road to be laid out ſixty-ſix wide, twenty-one feet whereof in breadth, at leaſt, ſhall be made an artificial road, which ſh bedded with wood, ſtone, gravel, or any other hard ſubſtance, well compacted together, a ſuf depth to ſecure a ſolid foundation to the ſame; and the ſaid road ſhall be faced with gravel, or pounded, or other ſmall hard ſubſtance, in ſuch manner as to ſecure a firm, and, as near as the terials will admit, an even ſurface, riſing towards the middle by a gradual arch; and the ſaid ſhall be made ſo nearly level in its progreſs, as that it ſhall in no place riſe or fall more than form an angle of four degrees with an horizontal line, and ſhall for ever thereafter maintain and the ſame in good and perfect order and repair.

XI. AND, whereas the widening and ſtreightening the old roads, making the new, may damage to the owners of the lands through which the ſaid road may paſs, and it is reaſonable juſt the owners ſhould, if they require it, receive a reaſonable compenſation therefor,

Preſident, &c. may agree, &c.

ENACTED, That if the proprietors of the lands through which the preſent road paſſes, and

condemned by the ſaid commiſſioners, appointed as aforeſaid to lay out ſaid road, ſhall apply preſident and directors for any ſatisfaction for the addition of the forty-ſix feet to the preſent readth of the ſaid road, the ſaid preſident and directors, or a majority of them, may agree e owner or owners of ſaid land, for the purchaſe of the additional quantity required; and d preſident and directors may agree with any owner or owners of land through which the ſaid ay be newly carried, for the purchaſe thereof, and in caſe of diſagreement, or in caſe the ſhall be a *feme-covert*, under age, or *non compos*, or out of the ſtate or county, on application one juſtice of the county in which ſuch lands may lie, the ſaid juſtice ſhall iſſue his warrant, his hand, to the ſheriff of his county, commiſſioning him to ſummon twelve freeholders, in- ts of the ſaid county, not related to the ſaid owner, nor in any manner intereſted, to meet land to be valued, at a day to be expreſſed in the warrant, of which five days notice ſhall be y the ſaid ſheriff to the owner of the ſaid land, or left at his laſt place of abode, or given to er guardian, if an infant, or if out of the ſtate or county, by publiſhing notice thereof not an eight weeks ſucceſſively in the George-town or one of the Baltimore papers; and the on receiving the ſaid warrant, ſhall then ſummon the ſaid jury, and when met, ſhall ad- r an oath, or affirmation, to every juryman, who ſhall ſwear, or affirm, as his caſe may require, will juſtly, faithfully and impartially, value the lands, and all damages the owner thereof will by the road paſſing through the ſame, having regard to all circumſtances of conveniencies, s or diſadvantages, according to the beſt of his ſkill and judgment, and the inquiſition there- ken, ſhall be ſigned by the ſheriff, and ſeven or more of the ſaid jury, and ſhall be concluſive, ſame ſhall be returned to the clerk of the county, to be by him recorded at the expence of company; and the valuation expreſſed in ſuch inquiſition ſhall be paid by the ſaid preſident rectors to the owner of the lands, or his legal repreſentative, before the ſaid preſident and rs ſhall proceed to open the ſaid road.

And alſo for ſtone, gravel, &c.

AND BE IT ENACTED, That in all caſes where ſtone, gravel or other materials, ſhall be ry for making or repairing the ſaid road, the ſaid preſident and directors, or a majority of may agree with the owner or proprietors of the ſaid materials for the purchaſe of the ſame, the ſaid owner or owners of the land on which the ſame may be, for the purchaſe of the ſaid nd in caſe of diſagreement, or in caſe the owner ſhould be a *feme-covert*, under age, or *non* or out of the ſtate or county, on application to one juſtice of the county in which ſuch ma- may lie, may proceed in all reſpects in the ſame manner for condemning the ſaid materials for e of ſaid road, as in the like caſes where lands are directed to be taken and condemned as id, for making the ſaid road, and the ſaid parties reſpectively ſhall have the ſame benefit and age of the ſaid proceedings as they will have under and in virtue of the ſaid proviſion for nning land herein before mentioned.

Fields not to be laid open.

I. AND BE IT ENACTED, That if the ſaid road ſhall be carried through any fields of ground al cultivation, ſuch fields ſhall not be laid open, or uſed as a public road, until after the uſual f taking off crops then growing thereon.

Penalty for altering the road, &c.

. AND BE IT ENACTED, That if any perſon ſhall alter or change, or in any manner obſtruct roach on, the ſaid public road, or any part thereof, or cut down and deſtroy any turnpike gate, deſtroy, deface or remove, any mile ſtones ſet up on ſaid road, or put or place any rubbiſh, ogs, ſtones, or any other obſtruction in the ſaid road, or make any pit or hole therein, ſuch may be indicted in the county court, and being thereof convicted, ſhall be fined or impriſon- the diſcretion of the court, according to the nature of the offence; and the preſident and di- ſhall cauſe any obſtructions or nuiſances on the ſaid road to be removed, and ſhall reſtore the o its proper ſtate and condition.

An account to be tranſmitted, &c.

AND BE IT ENACTED, That as ſoon as the road ſhall be completed in the manner directed act, the preſident and directors ſhall forthwith tranſmit to the governor and council a full and count of the coſt of ſaid road, and the amount of tolls received previous to its completion, ll annually thereafter tranſmit to the governor and council a yearly account of the tolls re- and expences incurred on ſaid road.

Directors may ſet up gates, &c.

I. AND BE IT ENACTED, That the ſaid directors may cauſe to be ſet up and erected ſuch r of gates or turnpikes acroſs the ſaid road, at ſuch places as they may think proper, and may nd receive for paſſing the ſaid turnpike gates, ſet up on the ſaid road next the town of Balti- and city of Waſhington reſpectively, for every coach, or other four wheeled riding carriage, ivers, paſſengers and horſes, not exceeding thirty cents; for every two wheeled riding car-

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riage, the driver, paſſengers and horſes, not exceeding fifteen cents; for every waggon, or carriage of burthen drawn by horſes, mules or oxen, not exceeding three cents per horſe, mule or ox; for every horſe and rider, not exceeding three cents; for every ſingle horſe, camel, aſs or mule, not exceeding one cent; and for black cattle, each not exceeding one half cent; for every ſcore of ſheep or hogs at the rate of ten cents the ſcore; and the ſaid directors may impoſe ſuch tolls as they may think reaſonable on paſſing any other of the ſaid gates or turnpikes, provided that the ſaid directors do not exact or receive, for paſſing the ſaid road between the ſaid toll-gates next to the town of Baltimore and to the city of Waſhington aforeſaid, for every coach, or other four wheeled riding carriage, the drivers, paſſengers and horſes, paſſing the ſaid gates or turnpikes, more than four cents per mile; for every two wheeled riding carriage, the driver, paſſengers and horſes, not exceeding two cents per mile; for every waggon, or other carriage of burthen, drawn by horſes, mules or oxen, not exceeding two cents per mile; for every horſe and rider, not exceeding one cent per mile; for every ſingle horſe, camel, aſs or mule, not exceeding one half cent per mile, and for black cattle, each, exceeding two milles per mile; and for every ſcore of ſheep or hogs not exceeding two cents per mile; and provided, that the ſaid laſt mentioned tolls ſhall not be laid on any part of the ſaid road as ſhall not be made and completed in the manner herein before directed, and that the ſaid turnpike gates, next adjacent to the city of Waſhington or to the town of Baltimore, ſhall not be nearer to the ſaid town or city reſpectively than one mile; and provided, that all perſons, their waggons, carts, carriages or animals, herein before enumerated, paſſing the ſaid toll-gates adjoining the town of Baltimore or city of Waſhington, ſhall not be ſubject to pay any further tolls on the ſaid road for the diſtance of ten miles from the ſaid gates reſpectively than the tolls therein eſtabliſhed, nor ſhall any perſon, their waggons, carts, carriages or animals, be compelled to pay the ſaid tolls for paſſing the ſaid ſeveral and reſpective gates on the ſaid road more than once in the ſpace of four hours; and no tolls ſhall be exacted or received by the ſaid company, or their agents, in any other caſes than thoſe herein before ſpecified.

Road, &c. veſted in the corporation, &c.

XVII. AND BE IT ENACTED, That the ſaid road and tolls ſhall be and are hereby veſted in the ſaid corporation, and their ſucceſſors, for ever; provided always, that after the proprietors of the ſaid ſtock ſhall have been reimburſed by the ſaid tolls the whole of their principal ſum advanced, with fifteen *per cent. per annum* thereon from the profits of the ſaid tolls, that from and thereafter all the profits of the ſaid tolls, exceeding the ſaid annual intereſt of fifteen *per cent.* upon their original capital, ſhall belong to and be paid by the ſaid corporation to the ſtate; and provided alſo, that the ſaid corporation ſhall be alſo obliged thereafter to keep the ſaid road in good repair, out of the fifteen *per cent.* ſo to be retained and received by the ſaid corporation; and provided alſo, that whenſoever at any time after the expiration of forty years from the eſtabliſhing and completing of the ſaid road it ſhall ſeem expedient to the legiſlature to make the ſaid road and tolls ſo eſtabliſhed and made the property of the ſtate, by a law to be enacted for that purpoſe, three commiſſioners ſhall be appointed by the legiſlature on the part of the ſtate, and three by the corporation aforeſaid, who, or any five or more of them, ſhall examine the accounts, and eſtimate what ſum or ſums of money the ſaid corporation has expended and received, and the ſum, if any, neceſſary to be added to their receipts to reimburſe the ſaid corporation the ſums by them expended, with an intereſt of fifteen *per cent. per annum* on the capital expended in completing ſaid road, which ſaid ſum being paid to the ſaid corporation, the ſaid road and tolls ſhall immediately thereon be the property of the ſtate.

Company to keep a juſt account, &c.

XVIII. AND BE IT ENACTED, That the ſaid company ſhall keep a juſt and true account of all and every the monies to be received by their ſeveral and reſpective collectors of tolls at the ſeveral gates and turnpikes on ſaid road from beginning to end, and ſhall make and declare a dividend of the clear profits and income thereof, all contingent coſts and charges being firſt deducted, among all the ſubſcribers to ſaid company's ſtock, and ſhall, on every ſecond Monday in January and July in every year, publiſh the half yearly dividend to be made of the ſaid clear profits among the ſtockholders, and of the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to be paid accordingly.

An abſtract to be laid before the aſſembly, &c.

XIX. AND BE IT ENACTED, That the preſident and directors ſhall, at the end of every year after the choice of the firſt directors as aforeſaid, until two years next after the whole road ſhall be completed, and every ſecond year thereafter, lay before the general aſſembly of this ſtate an abſtract of their accounts, ſhewing the whole amount of their capital expended in proſecution of ſaid work, and of the profits and income ariſing from ſaid toll for and during the ſaid reſpective periods, together with an exact account of the coſts and charges of keeping the ſaid road in repair, and all other contingent coſts and charges, to the end that the clear annual income and profits thereof may be aſcertained and known; and if at the end of two years after the ſaid road ſhall be

from the beginning to the end thereof, it shall appear, from the average profits of the said ars, that the said income and profits thereof will not bear a dividend of ten *per centum per* on the whole capital stock of the said company so expended, then it shall and may be lawful to the said president and directors to increase the tolls herein allowed so much upon each and llowance thereof as will raise the dividends up to ten *per centum per annum*, in which increase all be regulated by the net profits of the preceding year.

Tolls may be reduced, &c.

AND BE IT ENACTED, That in case the said tolls, as hereby first established, shall, in any one om and after the term of two years after the completion of the said road, exceed in net profits n of ten *per centum per annum*, then the legislature may, at any subsequent session, and from time , reduce the said tolls, provided that when thus reduced they shall not yield in net profits a less an ten *per centum per annum*; and in making such reduction they shall be governed by the average clear income and profits arising from the tolls of the two years next preceding such reduction.

Tolls, if increased, may be reduced, &c.

I. AND BE IT ENACTED, That in case the tolls should be increased by the said president and rs, by virtue of the authority herein before given them, and when so increased, they shall in net profits the sum of ten *per centum per annum*, that then and in such case, the legislature t any subsequent session, and from time to time, reduce the said tolls, provided that when thus d they shall not yield in net profits a less sum than ten *per centum per annum*; and in making duction they shall be governed by the average of the clear income and profits arising from the the two years next preceding such reduction.

Penalty for not complying, &c.

II. AND BE IT ENACTED, That in case the said president and directors shall not comply with ovisions of this act, in publishing an account of their expenditures and net proceeds semi- y, and also in laying before the legislature every two years after the choice of the first direc- aforesaid, a statement upon oath, of their capital expended, and the profits arising from the hey shall forfeit and pay, for each neglect, the sum of five hundred dollars.

Prosecutions may be carried on, &c.

III. AND, for the punishment of all offences created by this act, and committed by the corpo- or their agents, BE IT ENACTED, That prosecutions by action shall be carried on and prose- against the said president in the county court of the county in which the said president shall and all fines or forfeitures imposed by this act, which may affect other persons, shall be re- d by indictment against the party offending in the county court of the county in which he or ll reside, and the same, when received, shall be paid to the state, or to such person or persons ose use the same are by this act appointed; and if any person shall refuse to pay the toll or mposed by this act, at the respective places at which they may be demanded by law, or shall the payment thereof, by going round the toll-gates, such toll shall be recovered by warrant by any justice of the peace of the county in which the payment of such toll may be demanded ue of this act, or of the county in which such person shall reside; and all such justices are authorised and required to issue such warrants on the application of the said president and rs, or their agent or toll receivers, and to hear and determine the said complaint, and to pass nt, and award execution thereon, in the same manner as they are authorised to proceed in cases by the act, entitled, An act for the speedy recovery of small debts out of court, and to the acts of assembly therein mentioned.

Tolls may be lessened, &c.

IV. AND BE IT ENACTED, That the said proprietors, or a majority of them holding at least ndred shares, shall have full power, at any general meeting, to lessen said tolls, or determine rticle shall pass free of tollage.

And may be farmed out, &c.

V. AND BE IT ENACTED, That the said president and directors shall have full power and au- , from time to time, to farm the said tolls and toll-gates, or either of them, for such term or during the continuance of the said corporation, and upon such conditions, as they, in their ion, shall deem expedient, provided, that the same shall be ratified and confirmed by the gene- eting of the stockholders that shall next happen thereafter.

Penalty for attempting to avoid payment, &c.

VI. AND BE IT ENACTED, That if any person shall drive any carriage or waggon, cart or carriage of burthen, round any turnpike gate, with intention to avoid the payment of the and if any person shall lead or drive his riding horse liable to tolls round any such turnpike with intent to evade the payment of the toll, such person, if a free man, shall forfeit and pay llars for every such offence, or if a servant or slave, the master or mistress shall forfeit and e dollar.

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Juſtice, in certain caſes, may iſſue a precept, &c.

XXVII. AND BE IT ENACTED, That if any part of the ſaid road, bridges or cauſeways, which tolls ſhall have been received, ſhall be and continue to be out of good and perfect order repair for the ſpace of five days, and information thereof ſhall be given to any juſtice of the of the neighbourhood, ſuch juſtice ſhall iſſue a precept, to be directed to any ſheriff, commanding to ſummon three judicious freeholders, to meet, at a certain time in the ſaid precept to be men ed, at the place in the ſaid road, bridge or cauſeway, of which complaint is made, notice of meeting ſhall alſo be given to the keeper of the gate or turnpike neareſt thereto; and the ſaid ſhall, at ſuch time and place, by the oaths, or affirmations, of the ſaid freeholders, inquire wh the ſaid road, bridge or cauſeway, or any part thereof, are in ſuch good and perfect order and as aforeſaid, and ſhall cauſe an inquiſition to be made, under the hands of himſelf, and a ma of the ſaid freeholders; and if the ſaid road, bridge or cauſeways, ſhall be found by the ſaid in tion to be out of order and repair, according to the true intent and meaning of this act, he certify and ſend one copy of the ſaid inquiſition to each of the keepers of the turnpike gates be which ſuch defective place ſhall be, and from thenceforth the tolls hereby granted to be collec ſuch turnpikes or gates for paſſing the interval of road hetween them ſhall ceaſe to be dem paid or collected, at ſuch turnpikes or gates, until the ſaid defective part or parts of the ſaid bridge or cauſeway, ſhall be put into good and perfect order and repair as aforeſaid; and if the ſhall not be ſo put into good and perfect order before the meeting of the next court of the wherein the preſident of the company ſhall reſide, the ſaid juſtice ſhall certify and ſend a co the ſaid inquiſition to the judges of ſaid court, and the ſaid court ſhall thereupon order co *reſpondendum* againſt the ſaid preſident, to which the name of the attorney-general, or his d ſhall be put, on which action the ſame proceedings ſhall be had as in other ſuits at law; an ſhall appear that the neglect charged in the ſaid inquiſition is well founded, the ſaid court ſhall judgment according to the nature and aggravation of the neglect, and ſhall proceed to fine th preſident and company in any ſum not exceeding two hundred dollars.

Shares may be transferred, &c.

XXVIII. AND BE IT ENACTED, That it ſhall and may be lawful for every of the ſaid propr to transfer his or her ſhare or ſhares, by ſuch deed, and in ſuch form, as the corporation by nance ſhall direct.

Adminiſtrator may hold, &c.

XXIX. AND BE IT ENACTED, That in caſe any perſon ſhall die inteſtate, holding any ſh ſhares in the ſaid corporation funds, the adminiſtrator or adminiſtrators of ſuch inteſtate, ſurvivor or ſurvivors of them, ſhall hold the ſame intereſt in the ſaid funds, and be entitled the benefits thereof, as the ſaid inteſtate in his life ſhall have had or held therein, and ſhall b are hereby authoriſed and empowered to transfer the ſame, or make ſale thereof in his, her or own name or names, and that the ſame be ſubject to the ſame diſpoſition as other perſonal pro of the ſaid inteſtate.

When perfected, notice to be given, &c.

XXX. AND BE IT ENACTED, That ſo ſoon as the ſaid company ſhall have perfected the ſai for any diſtance from Baltimore-town towards the city of Waſhington, or from the city of Wa ton toward Baltimore-town, not leſs than ten miles, and ſo from time to time any other like di progreſſively, they ſhall give notice thereof to the governor of this ſtate, who ſhall thereup point three ſkilful and judicious perſons to view and examine the ſame, and report to h writing, whether the ſaid road is ſo far executed in a maſterly workman-like manner, accord the true intent and meaning of this act, and if their report ſhall be in the affirmative, th governor ſhall, by licence under the ſeal of the ſtate, permit and ſuffer the ſaid company to and fix ſuch and ſo many gates and turnpikes acroſs the ſaid road as will be neceſſary to colle tolls and duties herein granted to the ſaid company.

Certain toll to belong to the proprietors, &c.

XXXI. AND BE IT ENACTED, That the toll for any ferry or bridge over any navigable which may be in the line of the ſaid road, when located and eſtabliſhed, ſhall appertain and to the proprietor or proprietors thereof, ſo long as ſuch ferry or bridge ſhall be by him, them, ſupported and kept in good order and repair; but if, upon the preſentment of a jury, and verdict of a petit jury, any proprietor of any ſuch ferry or bridge ſhall be co of ſuffering the ſame to be impaſſable for neglect or repair for the ſpace of five ſucceſſive he, ſhe or they, ſhall, for the firſt and ſecond offences, be fined in a ſum not exceeding on dred dollars, and for the third offence, in the diſcretion of the court, ſuch ferry or bridg be valued by a jury of the county, to be ſummoned and ſworn by the ſheriff of ſuch coun upon the payment of ſuch valuation ſhall become veſted in the ſaid corporation, for the p of this act.

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XII. AND BE IT ENACTED, That all four wheeled and other carriages which ſhall paſs on the oreſaid, whoſe wheels ſhall be five and an half inches on the ſurface or tread, ſhall be ſubject o the payment of one half the common toll; and all carriages aforeſaid, which ſhall be nine on the ſurface or tread, ſhall be ſubject to no toll whatever. Carriages ſubject to half toll, &c.

XIII. AND BE IT ENACTED, That the ſaid preſident and directors ſhall cauſe to be erected ries, at proper and convenient ſituations, to note to all conductors or drivers of carriages on rnpike road aforeſaid, that they ſhall at all times paſs on the left of each other, under the pef three dollars for every offence, to be recovered and applied as aforeſaid. Directories to be erected, &c.

XIV. AND BE IT ENACTED, That if the ſaid company ſhall not proceed to carry on ſaid work two years after the paſſing this act, and ſhall not within ten years afterwards complete the oad, according to the true intent and meaning of this act, then, in either of theſe caſes, it nd may be lawful for this ſtate to reſerve all and ſingular the rights, liberties and privileges, granted to the company. Rights, &c. in certain caſes, eſerved, &c.

CHAP. LXX.

ACT for the relief of ſundry inſolvent debtors. Lib. JG. No. 2. fol. 561.

Paſſed 31ſt of Dec. 1796.

WHEREAS William Edmondſon, of Talbot county, Abraham James, of Baltimore-town, Thomas Barton Morris, of Prince-George's county, Robert R. Richardſon, of Baltimore county, t Key, of Prince-George's county, Iſaac Smith Iſaacs, of Baltimore county, Beauchamp Wol-, of Baltimore-town, John, Patrick, Andrew and Thomas Goulding, of Baltimore county, Bellville, of Baltimore-town, William M'Crea, of Frederick county, George Swiney, of Mary's county, Arthur Carrick, of Baltimore-town, Gautier Aine, of Baltimore-town, Aza Duncan M'Intoſh, John Gillis Read, James Thompſon, of Baltimore-town, John Keller, of rick-town, Benjamin Boyd, of Montgomery county, Richard Dorſey, of Baltimore-town, Jaowle, of Talbot county, Thomas Gaſſaway, of Anne-Arundel county, John Spence, of Baltitown, George Johnſon, of Somerſet county, Nathaniel Leeke, of Baltimore-town, Robert of Baltimore-town, John Lowe and Benjamin Boyd, of Prince-George's county, James Dunn, nt county, Robert Doyne, Roger Tregal and Thomas Courſe, of Dorcheſter county, John ward, of Baltimore county, Joſeph Clarke, of Baltimore-town, Valentine Brown, junior, of -Arundel county, Alexander Leſlie, of Prince-George's county, Samuel T. Dyſon and John ning, of Charles county, Lewis Duvall, of Montgomery county, John Savin and John Makin, ecil county, George Matthews, of Baltimore-town, Charles Steuart and Thomas Lea, of n-Anne's county, by their petitions to this general aſſembly have ſet forth, that by reaſon of misfortunes they are unable wholly to ſatisfy their creditors, and have prayed, that they may ſcharged, upon their delivering up all their property for the uſe of their creditors; and the r of the ſaid petitioners being found reaſonable; therefore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That on application of either of the ſaid rs to the chancellor, by petition in writing, offering to deliver to the uſe of his creditors all roperty, real, perſonal or mixed, to which he is any way entitled, a ſchedule whereof, (on or affirmation, as the caſe may require,) together with a liſt of the creditors of the perſon ſo ing, on oath or affirmation, as far as he can aſcertain them, ſhall be annexed to ſuch petition, hancellor ſhall direct perſonal notice of ſuch application to be given to the creditors, and alſo ny of them as can be ſerved therewith, or their agents or attornies, or direct notice of ſuch ation to be inſerted in the public news-papers for ſuch time as he think proper, which, in of there being a creditor or creditors beyond ſea, ſhall not be leſs than ſix months, and on appearance, or neglect to appear on notice, at the time or times and place appointed, the ellor ſhall adminiſter to the petitioning debtor the following oath, or affirmation, as the may require: "I, A. B. do ſwear, or ſolemnly, ſincerely and truly declare and affirm, t I will deliver up, convey and transfer, to my creditors, in ſuch manner as the chancellor ll direct, all my property that I have, or claim any title to or intereſt in, at this time, and all ts, rights and claims, which I have, or am any way entitled to, in poſſeſſion, remainder or erſion, and that I have not, directly or indirectly, at any time, ſold, conveyed, leſſened or poſed of, for the uſe or benefit of any perſon or perſons, or intruſted, any part of my money, or er property, debts, rights or claims, thereby to defraud my creditors, or any of them, or to ure the ſame to receive or expect any profit, benefit or advantage, thereby;" and the chancelall thereupon name ſuch perſon as a majority of the creditors in value, their agents or attornies, Chancellor, on application, to direct notice, &c.

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attornies, then preſent, ſhall recommend, to be a truſtee for the benefit of the creditors of petitioning debtor, or in caſe of the non-attendance of the creditors, or of their not making commendation, the chancellor ſhall name ſuch perſon as he ſhall think proper, to be a truſte aforeſaid.

No perſon to be entitled to the benefit of this act but a citizen, &c.

III. AND BE IT ENACTED, That no perſon herein before mentioned ſhall be entitled to the b fit of any of the proviſions of this act, unleſs the chancellor ſhall be ſatisfied, by competent teſt ny, that he is, and at the time of the paſſing of this act was, a citizen of the United States, a this ſtate, and unleſs, at the time of preſenting his petition as aforeſaid, he ſhall produce t chancellor the aſſent, in writing, of ſo many of his creditors as have due to them the amou two thirds of the debts due by him at the time of the paſſing of this act; provided, that fo creditors, not reſiding in the United States, and not having agents or attornies reſiding therein empowered to act in their behalf, ſhall not be conſidered within the intent and meaning of this cl and provided alſo, that the chancellor may, without the aſſent of the creditors as aforeſaid, time to time order to be diſcharged from cuſtody any of the ſaid petitioners who may be in confinement in virtue of any proceſs iſſued, or that may be iſſued, in purſuance of any debt a time due and owing by him, which diſcharge is hereby declared to be a releaſe only of the perſ ſuch debtor, but not of his property, unleſs the aſſent in writing of two thirds in value o creditors as aforeſaid be obtained.

Truſtee to give bond, &c.

IV. AND BE IT ENACTED, That before ſuch truſtee proceeds to act, he ſhall give bond fo faithful performance of his duty, to ſuch perſon, in truſt for the creditors of ſaid petitio debtor, and in ſuch penalty as the chancellor ſhall direct, which ſhall be recorded in the office o regiſter of the court of chancery, and a copy thereof, certified under the hand of the ſaid reg ſhall be good evidence in any court of law or equity of this ſtate; and if any truſtee, appointe virtue of this act, ſhall refuſe to act, or die, or neglect to give bond as aforeſaid, in a reaſo time to be judged of by the chancellor, or be removed by the chancellor for miſbehaviour, h appoint ſuch other perſon as he ſhall think proper in his place, who ſhall give bond as aforeſaid, on giving ſuch bond, (in caſe the ſaid debtor had conveyed his property to the former truſtee) ſhall immediately be veſted with all the property of every kind, and all the debts, rights and cre of the ſaid debtor, as completely as the former truſtee was veſted with the ſame.

On executing a deed, debtor to be diſcharged, &c.

V. AND BE IT ENACTED, That upon the ſaid petitioning debtor's executing and acknowled a deed to the truſtee to be appointed as aforeſaid, conveying all his property, real, perſona mixed, and all debts, rights and claims, agreeably to the oath, or affirmation, of ſuch debtor as a ſaid, and on his delivery to the ſaid truſtee of all his ſaid property which he ſhall have in poſſe and of his books, papers, and evidences of debts of every kind, and the ſaid truſtee's certifying ſame, in writing, to the chancellor, it ſhall be lawful for the chancellor to order that the ſaid d ſhall be diſcharged from all debts, covenants, contracts, promiſes and agreements, due from, or o or contracted by, him, before the date of the ſaid deed, and by virtue of ſuch order the debtor ſhall be diſcharged as aforeſaid; provided, that no perſon who has been guilty of a breac the laws, and hath been fined, or is liable to be fined, for ſuch breach, ſhall be diſcharged from payment of any fine incurred for any breach of the laws of this ſtate; and provided, that property which he ſhall thereafter acquire by gift, deſcent, or in his own right by bequeſt, viſe, or in any courſe of diſtribution, ſhall be liable to the payment of the ſaid debt; and provi that the diſcharge of ſuch debtor ſhall not operate ſo as to diſcharge any other perſon from any d

May retain his apparel.

VI. AND BE IT ENACTED, That the chancellor may allow ſuch petitioning debtor to retain neceſſary wearing apparel of himſelf and family.

Truſtee may be directed to ſell, &c.

VII. AND BE IT ENACTED, That the chancellor may direct any truſtee to be appointed by vi of this act to ſell and convey the property conveyed to him by the petitioning debtor, at ſuch t and on ſuch terms and conditions, as he ſhall think moſt for the advantage of the creditors, and produce thereof, after ſatisfying all incumbrances and liens, ſhall be divided among the ſaid ditors, agreeably to their ſeveral and reſpective claims; but no judgment to be rendered after paſſage of this act, againſt any of the ſaid debtors who ſhall take advantage of this act, be a lien on his real property, nor ſhall any proceſs againſt his real or perſonal property have effect thereon, except writs of *fieri facias* actually and *bonâ fide* laid before the paſſing of this act.

And may ſue, &c.

VIII. AND BE IT ENACTED, That any truſtee may ſue for, in his own name, and recover, property or debts aſſigned to him by any debtor in virtue of this act.

IX. A

CHAP. LXX.

When fraud is alleged, debtor may be examined, &c.

AND BE IT ENACTED, That if any creditor, on the application of any ſuch debtor to the ellor, or within two years thereafter, ſhall allege, in writing, to the chancellor, or to the l court of the ſhore, or the county court of the county, where ſuch debtor ſhall reſide, that ſuch hath directly or indirectly ſold, conveyed, leſſened, or otherwiſe diſpoſed of, or purchaſed, in for himſelf, or any of his family or relations, or any other perſon or perſons, intruſted or led, any part of his property of any kind, or any part of his debts, rights or claims, y to deceive or defraud his creditors, or any of them, or to ſecure the ſame, or to receive or any profit or advantage thereby, or that he has paſſed bonds, or other evidences of either without conſideration or on improper conſideration, or loſt more than one hundred s current money by gaming at any one time, or hath aſſigned or conveyed any of his property intent to give a preference to any creditor or creditors, or ſecurity, within two years before ſſage of this act, the ſaid chancellor, or court, may thereupon, at the election of the creditor g ſuch allegation, either examine the ſaid debtor, and any perſon or perſons to whom he ave made any conveyance or conveyances of his property, or paſſed bonds or evidences of as aforeſaid, on interrogatories, on oath or affirmation, touching the ſubject of the ſaid allega- or direct an iſſue or iſſues, in a ſummary way, without the form of an action, to determine the of the ſame; and if, upon the anſwer of the ſaid interrogatories, or the trials of the ſaid iſſue es by a jury, ſuch debtor ſhall be found guilty of any fraud or deceit of his creditors, or loſs ming as aforeſaid, or of having given preference as aforeſaid, he ſhall for ever be pre- from any benefit of this act; and in caſe ſuch debtor, or other perſon, ſhall, at any time fter, upon any indictment, be convicted of wilfully, falſely and corruptly, ſwearing or affirm- any matter or thing to which he ſhall ſwear or affirm by virtue of this act, he ſhall ſuffer caſe of wilful and corrupt perjury, and be for ever debarred from any benefit of this act.

Chancellor may allow a commiſſion, &c.

AND BE IT ENACTED, That the chancellor may allow any truſtee to be appointed by virtue s act ſuch commiſſion for his trouble as he ſhall think reaſonable, not exceeding eight *per cent.* any complaint ſhall be made to the chancellor of the conduct of any truſtee, by any creditor ſted in the diſtribution of any eſtate, the chancellor may call ſuch truſtee before him, and in- into the cauſe of complaint in a ſummary way, and make ſuch rules and orders as ſhall be neceſſary for the ſpeedy accompliſhment of the object of the truſt, and puniſh the ſaid truſtee, a contempt, in caſe of his not obeying the ſame, and, if he thinks it neceſſary, he may remove id truſtee, and appoint another perſon in his place.

And order impriſoned debtors to be brought before him, &c.

AND BE IT ENACTED, That if any debtor, who ſhall petition the chancellor in virtue of this all be impriſoned at the time of exhibiting ſuch petition, it ſhall be lawful for the chancellor er the ſheriff in whoſe cuſtody he ſhall be, to bring him before him, at a certain time by him ſaid order to be appointed, for the purpoſe of taking the oath or affirmation herein before oned; and the ſaid ſheriff ſhall obey the ſaid order, and ſhall be entitled to a preference, after iſcharge of all liens on the ſaid debtor's eſtate, to all other creditors, in the payment of his nt againſt the ſaid debtor for legal fees of impriſonment, and his reaſonable expences in carry- he ſaid debtor to the chancellor in obedience to his order as aforeſaid, any thing in this act to ontrary notwithſtanding; and in caſe ſuch impriſoned debtor ſhall have any creditors beyond ſea, hancellor may, in his diſcretion, order the ſheriff to bring the ſaid debtor before him at ſuch as he thinks proper, and on his taking the oath herein before mentioned, may direct that dy of ſuch debtor ſhall be diſcharged from impriſonment, and appoint a time when ſuch debtor appear before him to anſwer any interrogatories which his creditors may propoſe to him, t leſs than ſix months notice as aforeſaid, any thing in this act to the contrary notwithſtanding; led, that ſuch diſcharge from impriſonment ſhall not operate as a diſcharge of any of the debts of id impriſoned debtor; and provided, that the ſaid impriſoned debtors, at the time of their diſ- e, if required by the chancellor, ſhall enter into bond, with ſuch penalty, and with ſecurity, as ancellor ſhall direct and approve, conditioned for the perſonal appearance, at ſuch time or times ſaid chancellor ſhall direct, to anſwer the allegations of their creditor or creditors, according proviſions aforeſaid; and if the ſaid debtors ſhall not enter into bond as aforeſaid, if required chancellor, then ſuch debtors ſhall remain in confinement until their application, (if objected hall be decided on.

Judge, &c. on E. ſhore may order the ſheriff, &c.

AND BE IT ENACTED, That in caſe any perſon named in this act may be impriſoned in any on the eaſtern ſhore, it ſhall be lawful for the judge of the diſtrict, or any aſſociate juſtice of the y, on the application of ſuch perſon, at any time before the firſt day of June next, to order heriff, in whoſe cuſtody he may be, to bring the ſaid perſon immediately before him, for the ſe of taking the oath, or affirmation, if required, for delivering up his property to his creditors;

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tors; and if the ſaid perſon, ſo brought before the judge or juſtice, ſhall produce a petition t chancellor, with a ſchedule of his whole property, and a liſt of his creditors, on oath, as here quired, thereto annexed, and alſo the aſſent of two thirds of his creditors, and ſhall, befor ſaid judge or juſtice, take the oath required for delivering up his property for the uſe of his cred it ſhall be lawful for the ſaid judge or juſtice to order that the ſaid perſon be diſcharged fro priſonment, and appear before the chancellor within three months from the time of ſuch diſch and if ſuch order ſhall be made, the ſaid judge or juſtice ſhall tranſmit the ſaid petition and al his creditors, in writing, as aforeſaid, with the ſchedule and liſt, on oath as aforeſaid, annexed, chancellor; provided nevertheleſs, that if the ſaid perſon, ſo diſcharged from impriſonment, not appear before the chancellor agreeably to the ſaid order, it ſhall be lawful for any judge tice, on application of the party at whoſe ſuit the ſaid perſon was impriſoned, and on his proc a certificate from the regiſter in chancery, that ſuch perſon hath not appeared before the chan agreeably to the ſaid order, to remand the ſaid perſon to the priſon from which he was diſch there to remain until diſcharged by a due courſe of law; and provided always, that if any credi any petitioning debtor in any of the gaols on the eaſtern ſhore ſhall require ſecurity of the petit that the judge or juſtice aforeſaid ſhall not releaſe any petitioner, until he or they ſhall give ſu curity as the judge or juſtice ſhall require for his appearance before the chancellor within months from the date of his diſcharge as aforeſaid.

Chancellor may limit the time, &c.

XIII. AND BE IT ENACTED, That the chancellor may, by order, limit and appoint the ti creditors to bring in and declare their claims, and may examine ſuch creditors, and alſo the d on oath or affirmation, concerning the ſame, and, on any conteſted claim, may, if he thinks p order the ſame, or any fact concerning the ſame, to be tried on an iſſue framed for that purpo may order any part of the petitioning debtor's eſtate to be ſet apart and retained for the ev ſatisfaction of any conteſted claim, or to be brought again into diſtribution; and if any credit whom a real debt is due, ſhall collude with the debtor to gain an undue preference in the ſatisf of his debt, or for concealment of any part of the debtor's eſtate or effects, or ſhall contrive o cert any acknowledgment of the debtor, by parole, or in writing, or any kind of ſecurity, to falſe colour to his claim for more than is *bonâ fide* due, ſuch creditor ſhall loſe his debt truly due ſhall be totally excluded in the diſtribution.

Debtors arreſted may be diſcharged, &c.

XIV. AND BE IT ENACTED, That if the ſaid debtors, or any of them, ſhall be arreſted priſoned on any proceſs ſued out on any judgment or decree obtained againſt them, or any of for any debt, damages or coſts, contracted, owing or growing due, before the paſſing of this ac court, out of which ſuch proceſs iſſued, ſhall and may diſcharge ſuch debtor on motion; and ſaid debtors, or any of them, ſhall be arreſted or impriſoned on any proceſs for the recovery debt, damages or coſts, contracted, owing or growing due, before the paſſing of this act, the before whom ſuch proceſs ſhall be returned, ſhall and may diſcharge ſuch debtor or debtors cuſtody on his common appearance being entered, without any ſpecial bail; provided, th diſcharge of ſuch debtor or debtors ſhall not acquit any other perſon from ſuch debt, dama coſts, or any part thereof, but that all ſuch perſons ſhall be anſwerable for the ſame in ſuch m as they were before the paſſing this act.

Proceedings to be recorded, &c.

XV. AND BE IT ENACTED, That all proceedings in chancery under this act ſhall be rec by the regiſter, who ſhall be entitled to the ſame fees as are fixed by law for ſervices in other which ſhall be paid at the time of obtaining the diſcharge.

Creditors to be conſulted, &c.

XVI. AND BE IT ENACTED, That in all appointments of truſtees under this act by the cellor, in the room of any perſon before appointed, the chancellor ſhall conſult the creditors govern himſelf by the choice of a majority of them in value, unleſs upon notice being given by advertiſement, or in ſuch other manner as he ſhall think reaſonable, the ſaid creditors ſhall n to make ſuch choice.

Time limitted.

XVII. AND BE IT ENACTED, That none of the ſaid debtors, who do not make applicat aforeſaid on or before the firſt day of June next, ſhall have any benefit of this act.

CH

CHAP. LXXI.

ACT for the payment of the journal of accounts. Lib. JG. No. 2. fol. 568.

Passed 31st of Dec. 1796.

Preamble.

HEREAS it appears by the journal of accounts of this ſeſſion, that there is now due from this ſtate the ſum of eight thouſand nine hundred and thirteen pounds thirteen ſhillings and nce current money,

Treaſurer to pay, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the treaſurer of the weſtern ſhore he is hereby authoriſed and required to pay the ſeveral perſons, their executors, adminiſ aſſigns or orders, or to ſuch of them as ſhall offer to receive the ſame, the ſeveral ſums of money allowed to them reſpectively, as they appear to be ſettled and aſcertained by the ſaid of accounts, out of any money now in the treaſury, or that ſhall come into the treaſury, ſubhe appropriation of the general aſſembly.

SESSION of the GENERAL ASSEMBLY of MARYLAND, 1797. gun and held at the CITY of ANNAPOLIS, on Monday, the h of November, in the year of our Lord 1797, and ended the ſt day of January, 1798, the following laws were enacted.

JOHN HENRY, ESQUIRE, GOVERNOR.

CHAP. I.

T to ſettle and aſcertain the ſalary of members of the council for the enſuing year. Lib. No. 2. fol. 573.

Paſſed 20th of Jan. 1798.

CHAP. II.

T to alter and change the name of Samuel Berry Atchiſon, of Charles county. Lib. JG. 2. fol. 573. A Private Act.

CHAP. III.

ACT relating to the militia of Allegany county. Lib. JG. 2. fol. 574.

Preamble.

HEREAS it has been repreſented to this general aſſembly, that the citizens of Allegany county are ſubjected to great inconveniencies in being obliged to attend meetings in regiment, o local circumſtances that peculiarly attach themſelves to ſaid county; and it appearing juſt ſonable that the legiſlature ſhould afford relief, therefore,

Officers to appoint days, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the field-officers now having, or that reafter have, the command of the militia of ſaid county, be and they are hereby authoriſed powered to appoint ſome day or days, not exceeding four days in each year, for the perſons ng, or who may compoſe, the militia of ſaid county, to meet and exerciſe (at ſuch place or n ſaid county as the field-officers of ſaid county may deem convenient,) in battalion or comas may be moſt expedient, inſtead of the meeting in regiment as directed by the fourteenth of the act to regulate and diſcipline the militia of this ſtate.

Perſons liable to fines, &c.

ND BE IT ENACTED, That the perſons compoſing, or who may compoſe, the militia of ſaid ſhall be liable to the ſame fines and forfeitures for not attending at ſuch meeting or meetings ed by virtue of this act, as they would heretofore have been liable to in not attending the s in regiment or battalions as eſtabliſhed by law.

One meeting in battalion.

ND BE IT ENACTED, That the field-officers of ſaid county ſhall not direct more than one of each battalion in ſaid county in any one year.

CHAP. III. Duration.

V. This act to continue and be in force during the continuance and force of the act, (a) entitled An act to regulate and discipline the militia of this state.

(a) 1793, ch. 53, which was to continue during the continuance of the act of congress recited therein. The act of [illegible] is not limitted in its duration.

CHAP. IV.

Passed 20th of Jan. 1798.

An ACT for the benefit of Sarah Hickley, Mary Anne Hickley, Robert Hickley, Thomas Hickley and Samuel Hickley. Lib. JG. No. 2. fol. 575. A Private Act.

A Supplement ch. 61.

CHAP. V.

An ACT for the destruction of crows and squirrels in Queen-Anne's county. Lib. JG. No. 2. fol. 576.

Preamble.

WHEREAS it has been represented to this general assembly, by the petition of sundry inhabitants of Queen-Anne's county, that they suffer very extensive injury from the ravages committed on their crops by crows and squirrels; and the said inhabitants have prayed that a law may pass to encourage their destruction,

Persons to be allowed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That if any person residing in Queen-Anne's county shall carry to any justice of the peace of the said county the heads or heads of any crow or crows, or the scalp or scalps of any squirrel or squirrels, such person shall be allowed out of the levy of the said county, for every crow's head the sum of six cents, and for every squirrel's scalp the sum of three cents, and the justice of the peace before whom such head or heads, scalp or scalps, shall be brought, is hereby required to give the person bringing the same a certificate thereof, and cause the said head or heads, scalp or scalps, to be burnt, or otherwise destroyed.

Proviso.

III. PROVIDED NEVERTHELESS, AND BE IT ENACTED, That no person shall be entitled to any allowance for any such head or heads, scalp or scalps, without first making oath or affirmation, as the case may be, or otherwise satisfy the said justice, that such crow or crows, squirrel or squirrels, scalp or scalps, or were killed in the said county, and that no certificate hath been obtained from any other justice of the peace for the same; and that it shall be the duty of each and every justice of the peace to whom such head or heads, scalp or scalps, shall or may be brought in virtue of this act, to take and receive the oath, or affirmation, of the person bringing the same, free and clear from all collusion against the person making such oath, or affirmation, any thing to the contrary hereof in any wise notwithstanding.

Duration.

IV. This act to continue and be in force till the twentieth day of October, eighteen hundred

CHAP. VI.

An ACT to encourage the destruction of wolves in Baltimore county. Lib. JG. No. 2. fol. 577.

Preamble.

WHEREAS it is represented to this general assembly, that wolves are very numerous and mischievous in the county aforesaid, and that they destroy a great number of sheep; there

Justice to give a certificate, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That when and as often as any credible free person or persons shall bring before any justice of the peace for Baltimore county the head or heads of any wolf or wolves, and make oath, or affirmation if a quaker, menonist or tunker, that the wolf or wolves of which he or they produce the head or heads, were actually caught and killed within the limits of Baltimore county within six days next before the producing the same to such justice, that then such justice shall and he is hereby authorised and directed to give such person or persons producing the same a certificate for such head or heads produced and proved as aforesaid, and such certificate to mention the oath or affirmation taken, and therein distinguished how many of the heads are of old or young wolves; and every justice who shall have any wolves head or heads brought before him by any person or persons as aforesaid, shall be and he is hereby authorised and empowered to judge of the age of the said wolf or wolves of which the said head or heads are brought before him, and if such justice shall believe the age of such wolf or wolves to exceed six months, that then he shall distinguish it in his certificate by the words Old Wolf or wolves, and if he shall believe the said wolf or wolves to be under the age of six months, that he shall distinguish the same in his certificate by the words Young Wolf or wolves; and that every justice before whom any wolf's head is brought, and by whom a certificate shall be given as aforesaid, is hereby

nd directed immediately to cauſe the ears to be cut off, and the tongue to be taken out of and he head or heads of ſuch wolf or wolves, to prevent ſuch head or heads from being a ſecond rried before a juſtice in order to obtain a certificate.

AND BE IT ENACTED, That every perſon or perſons who ſhall produce a certificate as afore- the juſtices of Baltimore county at the levy court, ſhall, for every old wolf's head, be d forty dollars, and for every young wolf's head be allowed ten dollars, to be by the ſaid aſſeſſed and levied in the county levy, together with the ſheriff's commiſſion for collecting ne, and to be paid by the ſheriff to ſuch perſon or perſons as ſhall be entitled to the ſame as id, any thing in any other law to the contrary notwithſtanding. Perſons to be allowed, &c.

This act to continue for two years, and to the end of the next ſeſſion of aſſembly which ſhall thereafter. Duration.

Further continued by 1799, ch. 55, to 30th October, 1802, &c.

CHAP. VII.

ACT to prevent the exportation of flour and ſalted proviſions, not erchantable, from the port of Cheſter. Lib. JG. No. 2. fol. 578.

Paſſed 20th of Jan. 1798.

HEREAS the town of Cheſter, by ſeveral acts of congreſs, has been erected into a port of entry and delivery, and regulations are neceſſary to prevent the exportation of unmerble flour; therefore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the chief juſtice and the aſſociate of Kent county, or the major part of them, ſhall meet at ſome convenient place in ſaid port, n the firſt and laſt days of March next, and between the firſt and laſt days of March yearly ery year thereafter, during the continuance of this act, and then and there nominate and ap- perſon of good repute, and ſkilled in the goodneſs and quality of flour, to be inſpector of ithin the port for the year enſuing. Juſtices to meet, &c.

AND BE IT ENACTED, That every chief juſtice and aſſociate juſtice who ſhall vote for ſaid ſhall take the following oath, or affirmation if a quaker, before he ſhall proceed to the nomi- and appointment of the ſaid officer, before ſome juſtice of the peace for the county aforeſaid, before the other: "I, A. B. do ſwear, or affirm, that I will faithfully, honeſtly and impar- , nominate and appoint ſuch perſon to be inſpector of flour within the port of Cheſter as I in my judgment and conſcience is fit and capable of executing the ſaid office;" and in caſe death, refuſal, or the neglect to act, of ſuch officer ſo appointed, the ſaid chief juſtice and te juſtices, or a major part of them, ſhall, as ſoon as may be thereafter, meet together and t one other ſuch perſon as aforeſaid in the place of the perſon ſo dead, refuſing or neglecting for the reſidue of the year; and if the ſaid chief juſtice and aſſociate juſtices ſhall neglect and o nominate and appoint the ſaid officer as aforeſaid, then the governor and council may appoint ficer, who ſhall be qualified agreeably to the directions of this act, and have the like power and ity as if he had been nominated and appointed by the ſaid chief juſtice and aſſociate juſtices. And take an oath, &c.

AND BE IT ENACTED, That every inſpector of flour who ſhall be nominated and appointed reſaid, ſhall, before his executing any of the duties of ſaid office, take the oath, or make the tion if a quaker, before a juſtice of the peace of Kent county, which is preſcribed to be taken ade by every inſpector of flour in and by the ſixteenth ſection of the act paſſed at November , ſeventeen hundred and eighty-one, * entitled, An act to prevent the exportation of bread our, not merchantable, and for other purpoſes, and alſo the oaths to government which are ibed by the conſtitution; and the ſaid inſpector of the port of Cheſter ſhall have the ſame al- e for the inſpection of flour as by the ſaid act is appointed and provided. Inſpector to take an oath, &c.

* Chapter 12.

AND BE IT ENACTED, That all and ſingular the ſections, clauſes, proviſions and penalties, in e relating to the inſpection of flour and examination of caſks, which are contained in the ſaid titled, An act to prevent the exportation of bread and flour not merchantable, and for other es, be and they are hereby extended to the port of Cheſter, and to the regulation of the in- n of flour within ſaid port, in as full and ample a manner as if the ſame had been herein par- ly ſpecified and mentioned. Sections, &c. extended, &c.

AND BE IT ENACTED, That the ſaid chief juſtice and aſſociate juſtices, or the major part of ſhall meet, at ſome convenient place within ſaid town, between the firſt and laſt days of Juſtices to meet, &c.

CHAP. VII.

March next, and between the ſame days yearly and every year thereafter during the continu this act, and then and there nominate and appoint a perſon of good repute, well ſkilled in the neſs, quality and well curing of ſalted beef, pork and fiſh, of every kind, to be inſpectors of proviſions within the ſaid port for the year enſuing.

Chief juſtice, &c. to take an oath, &c.

VII. AND BE IT ENACTED, That every chief juſtice and aſſociate juſtice who ſhall vote ſaid officer, before he ſhall proceed to the nomination and appointment of ſaid officer, ſhall t following oath, or affirmation if a quaker, before ſome juſtice of the peace in Kent county, o before the other, viz. "I, A. B. do ſwear, or affirm, that I will faithfully, honeſtly and impar "nominate and appoint ſuch perſon to be inſpector of ſalted proviſions within the ſaid port of "ter as I think in my judgment and conſcience is fit and capable of executing the ſaid office; in caſe of the death, refuſal, or neglect to act, of the ſaid perſon ſo appointed inſpector of proviſions, his vacancy ſhall be filled up in the manner and as is herein before directed and pr in the caſe of the inſpector of flour.

Inſpector to qualify, &c.

VIII. AND BE IT ENACTED, That every inſpector of ſalted proviſions who ſhall be nom and appointed as aforeſaid, before his executing any of the duties of ſaid office, ſhall quali taking the oath, or making the affirmation, preſcribed and directed by the fourteenth ſection

* Chapter 17.

act paſſed at November ſeſſion, ſeventeen hundred and eighty-ſix, * entitled, An act for the i tion of ſalted proviſions exported and imported from and to the town of Baltimore, and al ſeveral oaths or affirmations to government appointed by law; and the ſaid inſpector of falte viſions appointed in virtue of this act, ſhall have the ſame allowance as by the aforeſaid act i vided for the inſpector of ſalted proviſions within the town of Baltimore.

Sections, &c. extended, &c.

IX. AND BE IT ENACTED, That all and ſingular the ſections, clauſes and proviſions, con in the aforeſaid act, entitled, An act for the inſpection of ſalted proviſions exported and im from and to the town of Baltimore, be and they are hereby extended to the port of Cheſter, the regulation of the inſpection of ſalted proviſions within the ſaid port, in as full and ample a ner as if the ſame had been herein particularly ſpecified and mentioned.

Duration.

X. This act to be and continue in force until the twentieth day of October, in the year eig hundred and one, and until the end of the next ſeſſion of aſſembly which ſhall happen thereafte

CHAP. VIII.

Paſſed 20th of Jan. 1798.

An ACT to eſtabliſh the road leading from Ninian Cockran's ſt at Genning's run on the Turkey Foot road, up Will's creek John Tomlinſon's mill, in Allegany county, to the Pennſylva line. Lib. JG. No. 2. fol. 580.

Preamble.

WHEREAS ſundry inhabitants of Allegany county, by their petition to this general aſſe have repreſented, that there has been a private road for twenty-ſeven years paſt, le from Cockran's ſtore, at Genning's run on the Turkey Foot road, up Will's creek by Tomli mill to the Pennſylvania line, which interſects a public road leading from the town of Bedfor Bedford county, in Pennſylvania, and as the eſtabliſhing the ſame as a public road would great miniſter to the convenience of the public, they have prayed that the ſame may be made a p road, and put upon the ſame footing, and kept up under the ſame regulations, as other public in ſaid county; which appearing to this general aſſembly reaſonable, therefore,

Road declared public, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the road in Allegany county, ing as aforeſaid from Ninian Cockran's ſtore to the Pennſylvania line, be and the ſame is hereb clared, deemed and taken to be, a public road for ever, and hereafter to be kept up and repair other public roads are in ſaid county, any law to the contrary notwithſtanding.

CHAP. IX.

* 1785, ch. 15.

A Supplement to an act, * entitled, An act for the relief of the p in Talbot county. Lib. JG. No. 2. fol. 581.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the ſum of three ſhillings n hundred pounds, which the juſtices of the levy court are authoriſed to aſſeſs on the pro of the ſaid county by the act to which this is a ſupplement, is inadequate for the purpoſe,

CHAP. IX. Justices to levy money, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy court of t county for the time being shall and they are hereby empowered to assess and levy, on all the ty of the said county subject and liable to assessment, at the time of laying their county rate, a f current money, not exceeding four shillings and six-pence on every hundred pounds of pro- as aforesaid, together with the collector's commission of four *per cent.* for collecting the same, ing in the act to which this is a supplement to the contrary notwithstanding.

CHAP. X.

Passed 20th of Jan. 1798.

CT for the benefit of William Whittington, of Worcester county. Lib. JG. No. 2. fol. 581. Private Act.

CHAP. XI.

ACT to prevent the going at large of swine within five miles of he city of Baltimore, in Baltimore county. Lib. JG. No. 2. ol. 582.

No swine to go at large, &c.

IT ENACTED, *by the General Assembly of Maryland*, That from and after the first day of March, n the year of our Lord one thousand seven hundred and ninety-eight, no swine shall be suffered at large within five miles of the city of Baltimore, and if any person shall find on his land, or y land in his possession, lying within five miles of the said city, any swine, it shall and may be for him any such swine to kill or impound, or cause to be killed or impounded.

General issue pleadable, &c.

AND BE IT ENACTED, That if any person shall be sued for killing or impounding any swine upon his land, or on any land in his possession, the defendant may plead the general issue, and his act and the special matter in evidence; provided, that nothing in this act shall be construed end to or prevent any swine going at large in Anne-Arundel county.

CHAP. XII.

ACT to empower the levy court of Harford county to assess and evy a sum of money for the purpose therein mentioned. Lib. G. No. 2. fol. 583.

Preamble.

HEREAS Thomas Shewell, of Harford county, by his petition to this general assembly hath set forth, that he is an extreme poor man, and that he hath a son, who has for a considerable been afflicted with lunacy, and is unable to support his family with the incumbrance of said lu- and praying that a law may pass to provide for the support of his said son out of the poor- ; and the prayer of said petition appearing reasonable, therefore,

Justices to levy money, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of Harford county shall d they are hereby directed and empowered, at their levy courts annually, as long as they may use, to assess and levy on said county a sum of money not exceeding forty dollars, for the sup- and maintenance of the said son of the said Thomas Shewell aforesaid, and that the same be ted and paid annually to the aforesaid Thomas Shewell by the collector or collectors of Harford y, agreeable to the order of the levy court aforesaid.

CHAP. XIII.

ACT to authorise and empower the levy court of Saint-Mary's ounty to assess and levy annually a sum of money for the support f Elizabeth Goodrick. Lib. JG. No. 2. fol. 583.

Preamble.

HEREAS Mary Goodrick, of Saint-Mary's county, by her petition to this general assembly hath set forth, that she is a very poor widow, and hath the misfortune to have one of her six ren, named Elizabeth Goodrick, born an idiot; that she, the said idiot, is seventeen years old, able of doing any kind of labour, and requires one person constantly to attend her, and praying may pass authorising and empowering the levy court of Saint-Mary's county to assess and levy ally a sum of money for the support of her said daughter; and the facts appearing to be true,

Justices to levy money, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the peace of Saint- 's county, at their levy court, shall have full power and authority, and they are hereby directed required, annually to assess, (so long as they shall see cause,) on the assessable property of said county,

CHAP. XIII.

county, a ſum not exceeding forty dollars for any one year, which ſaid ſum, ſo levied and aſſe ſhall be collected as other county charges are, and paid to the ſaid Mary Goodrick, or ſuch perſon as the ſaid juſtices ſhall appoint, for the uſe, ſupport and maintenance, of the ſaid Eliz Goodrick.

CHAP. XIV.

Paſſed 20th of Jan. 1798.

An ACT to authoriſe a lottery to improve the poſt-road lead through Allegany county. Lib. JG. No. 2. fol. 584.

Preamble.

WHEREAS it has been repreſented to this general aſſembly, that an improvement of the road from Sideling-hill creek, and leading from thence through Allegany county to the ginia line, would greatly promote the intereſt of ſaid county, as well as the general intereſt o ſtate; therefore,

A ſcheme may be propoſed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for Simpkins, John Crompton, junior, Evan Gwynn, William M'Mahon, John C. Beatty, James ſop, of Michael, John Mitchell, David Lynn and Samuel B. Beall, or a majority of them, to pr a ſcheme or ſchemes of a lottery for raiſing a ſum not exceeding ten thouſand dollars, to ſe diſpoſe of the tickets thereof, provided the ſaid John Simpkins, John Crompton, junior, Gwynn, William M'Mahon, John C. Beatty, James Cryſop, of Michael, John Mitchell, David and Samuel B. Beall, or a majority of them, do, before the ſale or diſpoſal of any ticket or ti in ſaid lottery, give their bond to the ſtate of Maryland, in the penalty of twenty thouſand do conditioned, that they will well and truly apply ſo much of the money ariſing therefrom, within months after the drawing thereof, as will ſatisfy the fortunate adventurers for prizes drawn in lottery, and the neceſſary expences incurred in the management thereof, and within one year the drawing aforeſaid, apply the reſidue of ſuch money to the opening, widening, ſtreightening improving, the poſt-road from Sideling-hill creek at the lower end of ſaid county, and leading thence through ſaid county until it interſects the Virginia line.

Bond to be lodged, &c.

III. AND BE IT ENACTED, That it ſhall be the duty of ſaid commiſſioners to lodge the ſaid in the clerk's office of Allegany county, there to be recorded, and upon ſuch bonds, or any copy thereof, ſuit or ſuits may be inſtituted againſt the obligors therein, or any of them, or the gal repreſentatives, for any breach or non-compliance with the condition of the ſame.

CHAP. XV.

A Supplementary act to the act relating to negroes, and to repeal acts of aſſembly therein mentioned. Lib. JG. No. 2. fol. 58

Preamble.
* Chapter 67.

WHEREAS by an act, entitled, An act relating to negroes, and to repeal the acts of aſſe therein mentioned, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety- it is provided, that any citizen or citizens of the United States, who ſhall come into this ſtate w *bonâ fide* intention of ſettling therein, may import or bring into this ſtate, at the time of his o removal, or within one year thereafter, any ſlave or ſlaves the property of ſuch citizen or cit at the time of his or her removal, which ſlave or ſlaves, or the mother or mothers of which ſla ſlaves, ſhall have been reſident of the United States three whole years next preceding ſuch rem but doubts being entertained whether the privilege of importing or bringing into this ſtate within year extends to the legal repreſentatives of ſuch citizen or citizens, ſo removing with a *bonâ fi* tention of ſettling therein, in caſe of the death of any ſuch citizen; for remedy whereof,

Executor, &c. may import ſlaves, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for executor or adminiſtrator of any citizen of the United States, who ſhall have removed, or may after remove, into this ſtate, with a *bonâ fide* intention of ſettling therein, and who ſhall have or may hereafter die, within one year from the time of ſuch removal, to import or bring into ſtate, at any time within one year from the death of his or her teſtator or inteſtate, any ſla ſlaves the property of ſuch citizen at the time of his or her death, which ſlave or ſlaves, or the ther or mothers of which ſlave or ſlaves, ſhall have been reſident of the United States three w years next preceding ſuch removal, as alſo the iſſue of ſuch ſlave or ſlaves born after the remov the ſaid teſtator or inteſtate.

Guardians may import certain ſlaves, &c.

III. AND BE IT ENACTED, That it ſhall and may be lawful for any guardian or guardians of infant entitled to any ſlave or ſlaves by or in purſuance of the laſt will and teſtament of, or in courſe of diſtribution from, any citizen of the United States, who ſhall have removed, or may

emove, into this ſtate, with a *bonâ fide* intention of ſettling therein, and who ſhall have died, hereafter die, within one year from the time of his or her removal into this ſtate, at any time one year from the commencement of his, her or their guardianſhip, or for any ſuch infant, if at any time within one year after his arriving to the age of twenty-one years, or if a female, time within one year after her arriving to the age of ſixteen years, to import and bring into te any ſuch ſlave or ſlaves, being the property of any ſuch citizen at the time of his or her as alſo the iſſue of ſuch ſlave or ſlaves born after the removal of the ſaid teſtator or inteſtate. CHAP. XV.

CHAP. XVI.

ACT to encourage the deſtruction of crows in Kent county. Lib. JG. No. 2. fol. 586.

Paſſed 20th of Jan. 1798.

IT ENACTED, *by the General Aſſembly of Maryland*, That if any perſon reſiding in Kent county all bring to any juſtice of the peace for ſaid county the head or heads of any crow or crows, erſon ſhall, for every ſuch head, be allowed in the county levy for the ſaid county the ſum of ents, and the juſtice of the peace before whom ſuch head or heads ſhall be brought, is hereby d to give the perſon bringing the ſame a certificate thereof, and cauſe the ſaid head or heads urnt, or otherwiſe deſtroyed. Perſons to be allowed, &c.

PROVIDED NEVERTHELESS, AND BE IT ENACTED, That no perſon whatſoever ſhall be entitled allowance for any ſuch head or heads, without firſt making oath, or affirmation, as the caſe , or otherwiſe ſatisfy the ſaid juſtice, that ſuch crow or crows was or were killed in Kent and that no certificate hath been obtained from any other juſtice of the peace for the ſame; hall be the duty of each and every juſtice of the peace before whom ſuch head or heads may ght by virtue of this act, to take and receive the oath, or affirmation, of the party bringing e, free and clear of all charge againſt the perſon or perſons making ſuch oath, or affirmation. Proviſo.

This act to be in force until the firſt day of November, one thouſand eight hundred. Duration.

CHAP. XVII.

ACT authoriſing the juſtices of the levy court in Queen-Anne's unty to levy a ſum of money for the building a priſon in the id county, and to regulate the ſame. Lib. JG. No. 2. fol. 587.

A Supplement 1799, ch. 34.

HEREAS it is repreſented to this general aſſembly, that the ſums of money formerly levied on the inhabitants of Queen-Anne's county, for the purpoſe of building a court-houſe and in the ſaid county, are inadequate for that purpoſe, and that the priſon is not yet built, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy court for -Anne's county ſhall be and they are hereby authoriſed, directed and required, to aſſeſs and n the aſſeſſable property of ſaid county, at the time of laying their public levies, a ſum of not exceeding one thouſand pounds current money, (a) together with ſix *per cent.* for collecting ne, for the purpoſe of erecting a priſon in the ſaid county; which ſaid aſſeſſment, ſo as afore- be made and levied, ſhall be collected by the collector of the county for the time being, in ar ſeventeen hundred and ninety-eight, in the ſame manner as other county charges are by llected; and the ſaid ſum of money ſhall be paid by the ſaid collector to the commiſſioners for ne being for building a court-houſe and priſon in Queen-Anne's county, who are hereby au- d and directed to receive and apply the ſame to the uſes and purpoſes of building a priſon in ſaid county on the ground appropriated by law for that purpoſe. Juſtices to levy money, &c.

(a) A further ſum of five hundred pounds directed to be raiſed by 1799, ch. 34.

AND BE IT ENACTED, That the collector ſhall pay the ſaid ſum of money to the commiſſion- their order, or to the order of a majority of them, on or before the twentieth day of Octo- eventeen hundred and ninety-eight, and in default of payment at that time, the ſaid commiſ- may order a copy of the ſaid collector's bond to be filed in the clerk's office of the county and thereupon a common *capias ad reſpondendum* ſhall iſſue, and judgment or trial be had at the urt to which the *capias* is returnable, without any imparlance or delay. To be paid to the commiſſioners, &c.

IV. AND

CHAP. XVII.

Two apartments to be laid off, &c.

IV. AND BE IT ENACTED, That the ſaid commiſſioners, or a majority of them, in planning directing the building of the ſaid gaol, ſhall lay off two apartments and a cellar, and reſerve appropriate the ſame to the reſidence of the keeper of the ſaid gaol; and the ſaid commiſſioners ſoon as the ſaid building ſhall be completed, ſhall return a fair and faithful account of their pro ings and expenditures to the juſtices of Queen-Anne's county court, and the ſame ſhall be dep and filed among the original papers belonging to their office.

Sheriff to appoint a gaoler, &c.

V. AND BE IT ENACTED, That after the completion of the ſaid gaol the ſheriff of Queen-A county ſhall, within one month thereafter, nominate and appoint a diſcreet and judicious per be gaoler, or keeper of the ſaid gaol, who, on his acceptance of the ſaid office, ſhall qualify h to hold the ſame, by taking an oath, or affirmation, before ſome two juſtices of the peace for Q Anne's county, that he will well and faithfully keep all priſoners who ſhall be committed to th of Queen-Anne's county, and that he will in all reſpects truly and honeſtly demean himſelf office of keeper of the ſaid gaol, without prejudice, affection, malice, hatred or partiality, ſo l he ſhall continue in the ſaid office; and alſo by entering into a recognizance before the ſaid ju with two ſufficient ſureties, in the ſum of four hundred dollars, in the uſual form, with the dition thereto, "that if the ſaid A. B. do and ſhall well and faithfully execute and perform the of keeper of the gaol of Queen-Anne's county, and find and provide wholeſome and ſufficient vi for all and ſingular the priſoners who ſhall be committed to the ſaid gaol, and keep the ſeveral ments in the ſaid gaol clear and free from all manner of filth, and not ſuffer or permit looſe, id diſorderly perſons to frequent the ſaid gaol, or remain about the ſame, and do and ſhall in all re faithfully demean himſelf in the ſaid office, without favour, partiality or prejudice, then the recognizance to be void and of no effect, otherwiſe to remain in force;" and the perſon ſo appo and qualified ſhall remain in office during good behaviour, removeable by the ſheriff of Queen-A county, or by a preſentment of the grand inqueſt for the body of Queen-Anne's county, and viction of miſconduct in the county court thereon, after hearing and determining upon the ch alleged againſt him, and the evidence concerning the ſame; and whenever a vacancy ſhall happ the ſaid office, it ſhall be lawful for the ſaid ſheriff to proceed forthwith to the appointmen qualification of another gaoler, in the manner herein before directed.

His duties.

VI. AND BE IT ENACTED, That in addition to the duties impoſed by the laws of this ſtate all gaolers, it ſhall be the duty of the keeper of the ſaid gaol to receive and provide for all m of perſons who ſhall be committed to the ſame according to law, and to be obedient to the mit of the ſheriff of the ſaid county in thoſe caſes wherein the ſaid ſheriff hath a power to com virtue of proceſs, or purſuant to the laws of this ſtate; and the ſaid keeper ſhall, beſides the quiſites and fees allowed him by the ſheriff of the county for his ſervices as keeper of the ga moreover entitled to a reſidence in the ſaid gaol for himſelf and family, free from rent, upo keeping the ſeveral apartments in his poſſeſſion in ſufficient repair, and taking a juſt and fa charge and care of the entire premiſes.

Not to hold any ordinary, &c.

VII. AND BE IT ENACTED, That the ſaid keeper ſhall be diſqualified, during his continua the ſaid office, from holding any ordinary or houſe of entertainment in the ſaid gaol, or at any place, and from retailing ſpirituous liquors; and if the keeper of the ſaid gaol, or any of his d tics, ſhall ſell ſpirituous liquors, or cauſe or ſuffer the ſame to be ſold, to any of the priſoners fined in the ſaid gaol, or to any other perſon for the uſe of any of the ſaid priſoners, and ſh convicted thereof, he ſhall forfeit and pay the ſum of ten dollars for every offence.

Jury to viſit the gaol, &c.

VIII. AND, in order to ſecure as much as poſſible the proper and humane treatment to pri confined in the ſaid gaol, and to cauſe to be puniſhed all perſons who ſhall infringe the regul provided for the ſame, BE IT ENACTED, That it ſhall be the duty of the grand inqueſt of the coun viſit the ſaid gaol once in every term, and to inſpect the ſeveral apartments thereof, and to in into the treatment of the ſeveral priſoners therein confined, and into their health and ſituation to preſent, or otherwiſe report to the court, ſuch facts and circumſtances as they ſhall receive k ledge of, either upon their own view or from the evidence of other perſons; and the juſtices o ſaid court ſhall be and they are hereby empowered to act upon ſuch preſentments or reports, a make ſuch order therein as ſhall appear to them to be neceſſary to accompliſh the deſigns of th reſpecting the regulation of the ſaid gaol.

CHAP. XVIII.

Passed 20th of Jan. 1798.

ACT authorising the justices of the levy court of Somerset county to levy a sum of money on the assessable property of the said county for building a prison in the county, and other purposes therein mentioned. Lib. JG. No. 2. fol. 590.

Preamble.

WHEREAS it is represented to this general assembly, that there is no prison in Somerset county sufficient for the confinement of debtors or felons, which is very injurious to the peace and dignity of the said county;

Commissioners appointed, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That Messieurs John Done, George Dashiell, Levin Winder, William Jones, (Menokin,) Levin Gale, Zadock Long and John Stewart, or the major part of them, shall be commissioners, and are hereby authorised to purchase, for the use of Somerset county, a piece of ground in the town of Princess-Anne, in said county, whereon to erect a new prison; and the said commissioners, or a majority of them, are hereby empowered to contract for materials, and to agree with workmen to build and finish the said prison, and to plan and superintend the said building until finished, which, when completed, shall, by the said commissioners, be put into the custody and possession of the sheriff of Somerset county for the time being, and shall remain and continue in the custody and possession of such sheriff, and his successors, as a common prison for Somerset county.

Justices to levy money, &c.

AND BE IT ENACTED, That the justices of the levy court for Somerset county, at the time of laying their next county levy, be and they are hereby authorised and directed to impose on the assessable property of the said county a sum not exceeding four thousand dollars, together with an allowance to the collector of six *per cent.* for collection of the same; which sum, when collected, by the said sheriff, be paid to the commissioners aforesaid, or the major part of them, to be by them applied in purchasing the ground, and erecting the said prison.

To be paid to the commissioners, &c.

AND BE IT ENACTED, That the sheriff, or other person appointed to collect the said sum of money for the purpose aforesaid, shall pay the same to the said commissioners, or the order of the major part of them, at or before the time limitted by law for the payment of the county charges in the year seventeen hundred and ninety-eight, and in default thereof the said sheriff or collector shall be answerable for all interest, damages and costs, which may be payable by, or may arise or accrue to the said commissioners, in consequence of the said default.

If not paid, process to issue, &c.

AND BE IT ENACTED, That if the collector or sheriff, as the case may be, should not pay the sum of money to the commissioners, or the order of a major part of them, on the day above limitted, that it shall be the duty of the said commissioners, or a majority of them, to order a copy of the said sheriff's or collector's bond, as the case may be, to be filed in the clerk's office of the county court of Somerset county, and thereupon a common *capias ad respondendum* shall issue, and judgment or trial be had at the first court to which the *capias* is returnable, without any imparlance thereto.

How vacancies are to be filled.

AND BE IT ENACTED, That if any of the said commissioners shall die, remove out of the county, or refuse to act, the residue, or a majority of them, shall immediately thereafter proceed to choose and appoint another to fill the vacancy.

Money to be levied, &c.

WHEREAS it is also represented to this general assembly, that for want of a sufficient gaol in said county that some of the inhabitants thereof were induced, by their love of justice, and a wish for public security, to advance a considerable sum of money to defray the expences of a guard, for the safe keeping of a number of criminals committed to the custody of the sheriff of said county for the murder of a certain Joshua Knight; and it appearing reasonable and just that all the inhabitants of said county should bear an equal proportion of said expence; therefore, BE IT ENACTED, by the *General Assembly of Maryland*, That the justices of the levy court of Somerset county, at the time of laying their next county levy, be and they are hereby directed to levy on the assessable property of the said county a sum of money, not exceeding five hundred dollars, together with an allowance of six *per cent.* for collection; which sum, when collected, shall be by the sheriff or collector, as the case may be, paid to the honourable John Done, or his order, to be by him paid to the several

CHAP. XVIII.

ſubſcribers in the proportions by them ſeverally advanced for the maintenance and keeping up guard.

VIII. AND, whereas it is further repreſented to this general aſſembly, that the poor of th ty of Somerſet have become much more expenſive to ſaid county, by having to purchaſe the fi uſed by ſaid poor by the cord: And whereas it is repreſented, that the truſtees of the ſaid poo it in their power to purchaſe a ſmall piece of woodland, adjoining to ſaid poor-houſe, by which

Juſtices to levy money, &c.

the expences may be greatly leſſened; therefore, BE IT ENACTED, That the juſtices of th court of Somerſet county, at the time of laying their next county levy, be and they are authoriſed and directed to impoſe on the aſſeſſable property in ſaid county a ſum of money, ceeding four hundred dollars, together with an allowance of ſix *per cent.* for collection for the which ſum, when collected, ſhall by the ſaid ſheriff or collector, as the caſe may be, be paid truſtees of the poor of Somerſet county, to be by them applied in purchaſing a parcel of woo contiguous to the poor-houſe of ſaid county, not exceeding fifty acres.

To whom to be paid, &c.

IX. AND BE IT ENACTED, That the ſheriff, or other perſon appointed to collect the ſaid money for the payment of the expences of the guard aforeſaid, and for the purchaſe of the la the uſe of the poor-houſe as aforeſaid, ſhall pay the ſame to the ſeveral perſons to whom it is ed by this act to be paid, at or before the time limitted by law for the payment of the county in the ſaid county for the year ſeventeen hundred and ninety-eight, and in default thereof th either of them, ſhall and may order a copy of the ſheriff's or collector's bond, as the caſe m to be lodged in the clerk's office of the county court of Somerſet county, and thereupon a co *capias ad reſpondendum* ſhall iſſue, and judgment or trial be had at the firſt court to which th *capias* is returnable, without any imparlance or delay, any law, uſage or cuſtom, to the contr anywiſe notwithſtanding.

Priſon to be ſold, &c.

X. AND BE IT ENACTED, That the commiſſioners appointed by this act for building the therein mentioned, or a majority of them, as ſoon as the ſame ſhall be in ſufficient forward receive the debtors, or other perſons committed to the cuſtody of the ſheriff of ſaid county, thoriſed and directed to ſell the priſon now uſed in ſaid county, and the ground thereto bel on ſuch notice and on ſuch credit as they ſhall think proper, and the money ariſing therefrom, received, to be applied towards defraying the county charges of ſaid county.

CHAP. XIX.

Paſſed 20th of Jan. 1798.

An ACT to alter the times of holding the county courts in Caro and Dorcheſter counties. Lib. JG. No. 2. fol. 592.

When courts are to commence, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the county court of Caroline c ſhall hereafter commence and be held on the firſt Monday in March in each year, inſtead ſecond Monday of that month, as now fixed by law, and the county court of Dorcheſter cou the third Monday of March in each year, inſtead of the fourth Monday in that month as now bliſhed.

Courts adjourned.

II. AND BE IT ENACTED, That the county court of Caroline county, which now ſtands ad ed to the ſecond Monday in March next, ſhall be and is hereby adjourned to the firſt Monday i month, and that Dorcheſter county court, now adjourned to the fourth Monday in March next be and is hereby adjourned to the third Monday in the ſame month.

Proceſs iſſued to be returned.

III. AND BE IT ENACTED, That all proceſs whatſoever now iſſued, or that may be iſſued, reſpective counties of Caroline and Dorcheſter, returnable to the ſecond and fourth Mond March next reſpectively, or to any particular days in the firſt or ſecond ſucceeding weeks, th returnable and returned to the firſt and third Mondays in the ſame month, or to correſponding in the firſt or ſecond week ſucceeding the ſame reſpectively; and all cauſes, pleas and proceed civil and criminal, returnable to and depending before the ſaid county courts of Caroline and cheſter counties, at the reſpective times of their laſt adjournment, ſhall be returned and con to the firſt and third Mondays in March next in the ſame counties reſpectively, in the ſame m as if the ſaid cauſes, pleas and proceedings, had been regularly continued to the ſaid reſp times appointed by this act for holding the ſeveral county courts of Caroline and Dorcheſter ſaid.

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CHAP. XX.

ACT to authoriſe and empower the levy court of Dorcheſter unty to aſſeſs and levy a ſum of money for the purpoſe therein ntioned. Lib. JG. No. 2. fol. 593.

Paſſed 20th of Jan. 1798.

Preamble.

EREAS it hath been repreſented to this general aſſembly, by the petition of the juſtices of the levy court of Dorcheſter county, and ſundry other inhabitants thereof, that the records county are unſafe, and liable to be deſtroyed, by reaſon of a private dwelling-houſe being ous to the court-houſe of ſaid county, and that a part of ſaid court-houſe ſtands upon a lot of formerly the property of a certain Joſeph Dowſon, and it hath been prayed that a ſum of may be levied on the ſaid county for the purpoſe of purchaſing the ſaid lot of ground, for the he county; and the prayer of the ſaid petition being deemed reaſonable, therefore,

Juſtices to levy money, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for the of Dorcheſter county levy court, and they are hereby authoriſed and required, at their next , to aſſeſs and levy on their county a ſum not exceeding two thouſand eight hundred dollars, with the ſheriff's commiſſion of ſix *per cent.* for collecting the ſame; which ſaid monies, ſo eſſed and levied, ſhall be collected by the ſaid ſheriff of Dorcheſter county for the time being, ſame manner and within the ſame time as other public levies and county taxes are by law to cted, and ſhall, at the expiration of the period for the collection thereof, be by him paid over aid juſtices, or their order.

How to be applied.

AND BE IT ENACTED, That the ſaid juſtices be and they are hereby authoriſed and empow- apply the ſaid money, when collected, to the purchaſe of the aforeſaid lot of ground adjoin- court-houſe of ſaid county, whereon the dwelling-houſe of the late Joſeph Dowſon, deceaſed, ed, and to receive a conveyance of the ſame for the uſe of the ſaid county.

Lot to belong to the county, &c.

AND BE IT ENACTED, That after the ſaid purchaſe and conveyance ſhall have been made as directed, the ſaid lot of ground, with the improvements thereon, ſhall and the ſame is hereby d to be the right and property of Dorcheſter county for ever.

Juſtices to meet, &c.

AND BE IT ENACTED, That the juſtices of the levy court of Dorcheſter county, or any five n, ſhall and they are hereby authoriſed and required to meet at the court-houſe in the ſaid on or before the third Monday in March next, for the purpoſe of contracting for the purchaſe ſaid lot of ground, with the improvements thereon, and if the ſaid juſtices ſhall not then be to effect ſuch purchaſe, it ſhall and may be lawful for them to appoint Thomas Jones, Levin rd and Richard Pattiſon, Eſquires, or any two of them, or ſuch other perſon or perſons as juſtices may appoint, commiſſioners for the purpoſe of making ſuch purchaſe, who ſhall, with- ay, acompliſh the ſame, and make return thereof to the levy court at their next ſitting, and ntract made by them ſhall be valid and obligatory, and the levy court ſhall carry the ſame fect.

Court may ſell a certain houſe, &c.

AND BE IT ENACTED, That when the purchaſe of the ſaid lot ſhall be accompliſhed in man- reſaid, it ſhall and may be lawful for the levy court of the county aforeſaid, or ſuch commiſſi- r commiſſioners as they may appoint for that purpoſe, to ſell at public ſale, on a credit not ing twelve months, having firſt given ſufficient notice of the day and terms of ſale, all ſuch nd other improvements thereon as the ſaid levy court ſhall not think proper to be kept for the the county, taking bonds, with good and ſufficient ſecurity, for the payment of the money ay be bid for ſuch improvements, with intereſt, for the uſe of the county; and ſuch improve- ſo to be ſold, ſhall be removed off the ſaid lot by the reſpective purchaſers in reaſonable time; e bond or bonds that may be taken upon ſuch ſale may be aſſigned in payment for the lot ſo d to be purchaſed as aforeſaid for the uſe of the county, if the proprietor, or other perſon iſed to ſell the ſame, ſhall be willing to receive ſuch bond or bonds in payment, and if not, ney due on ſuch bonds ſhall, when the ſame ſhall become due, be collected for the uſe of ſaid , to defray the future expences thereof.

And grant part of the lot for a ſtreet, &c.

AND BE IT ENACTED, That the ſaid levy court ſhall be authoriſed and empowered, after purchaſed and ſecured the ſaid lot, to grant to the commiſſioners of the town of Cambridge, purpoſe of a ſtreet leading from the main ſtreet in the ſaid town to Cambridge creek, ſuch of the ſaid lot as the ſaid commiſſioners ſhall require for that purpoſe, not exceeding fifty feet

CHAP. XX.

in width, at ſuch reaſonable price as the ſaid commiſſioners, and the juſtices of the levy court, agree on, and if they cannot agree, ſuch portion of the ſaid lot as aforeſaid may be condemn the ſaid commiſſioners of Cambridge, and valued and paid for as in caſes of private property u the now exiſting laws.

VIII. AND, whereas there are ſundry lots in the town of Cambridge now leaſed on ground- of which the fee-ſimple belongs to Dorcheſter county, and it appears to this general aſſembly the ſale of the fee-ſimple of ſuch lots would conſiderably leſſen the ſum neceſſary to be levied fo purpoſe of purchaſing the above-mentioned lot adjoining to the ſaid court-houſe; therefore, B

Commiſſioners appointed, &c.

ENACTED, That Thomas Jones, Levin Woolford and Richard Pattiſon, Eſquires, or any tw them, ſhall be and they are hereby appointed commiſſioners, and are authoriſed and empowe contract for the ſale of the fee-ſimple of the above-mentioned lots now leaſed on ground-rent, credit not exceeding twelve months, taking a bond or bonds, with good and ſufficient ſecurity the payment thereof, with intereſt, to themſelves, or their aſſigns, for the uſe of Dorcheſter co and ſhall make return of ſuch ſale to the levy court of the ſaid county at their next ſitting, an poſit the ſaid bonds with the clerk of the county for ſafe keeping; provided, that the fee-ſimp the ſaid lots, or any of them, ſhall not be ſold at a leſs price than at the rate of one hundred po for every ſix pounds of ground-rent reſerved upon ſuch lot or lots.

Who may execute releaſes, &c.

IX. AND BE IT ENACTED, That the ſaid commiſſioners, or a majority of them, be and are he authoriſed and empowered, upon their having taken bonds as aforeſaid, with good and ſuffi ſecurity, for the purchaſe money of the fee-ſimple of the ſaid lot or lots, to execute releaſes or veyances of the fee-ſimple thereof to the reſpective purchaſers, and ſuch bond or bonds ſhall lien upon the lot or lots on the ſale of which they may be reſpectively taken.

Bonds may be aſſigned.

X. AND BE IT ENACTED, That the bond or bonds ſo to be taken by the ſaid commiſſioner aforeſaid, may, under the direction of the levy court of Dorcheſter county, be aſſigned in pay for the ſaid lot intended as aforeſaid to be purchaſed for the uſe of the ſaid county, if the propri thereof, or perſon or perſons authoriſed to ſell the ſame, ſhall be willing to receive ſuch bon bonds in payment; and the ſeveral commiſſioners aforeſaid ſhall receive ſuch compenſation for t trouble in the execution of the powers herein delegated to them as to the levy court ſhall f reaſonable.

Juſtices to pay, &c.

XI. AND BE IT ENACTED, That the juſtices of the ſaid levy court ſhall be and they are he authoriſed and empowered to pay and diſcharge, not only the purchaſe money of the ſaid lot, alſo all expences attending the execution of the powers and diſcharge of the duties aſſigne required by this act.

CHAP. XXI.

Paſſed 20th of Jan. 1798.

An ACT to authoriſe and empower the levy court of Montgom county to aſſeſs and levy a ſum of money on the aſſeſſable prope thereof for the purpoſe of building a new gaol in ſaid coun Lib. JG. No. 2. fol. 596.

Commiſſioners appointed, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That Samuel Turner, ſenior, Charles Pe John Beall Magruder, Benjamin Ray, ſenior, and Allen Bowie, ſhall be and are hereby pointed commiſſioners for the purpoſe of carrying this act into execution.

Money to be aſſeſſed, &c.

II. AND BE IT ENACTED, That the juſtices of the levy court of Montgomery county are he authoriſed, directed and required, to aſſeſs and levy on the aſſeſſable property in ſaid county, at time of laying their public levies, a ſum of money not exceeding twelve hundred pounds; that i ſay, the ſum of ſix hundred pounds in the year ſeventeen hundred and ninety-eight, and the rem ing ſum of ſix hundred pounds in the year ſeventeen hundred and ninety-nine, together with collector's commiſſion for collecting the ſame, for the purpoſe of erecting the gaol aforeſaid; w ſaid aſſeſſments, ſo as aforeſaid to be made and levied, ſhall be collected by the collector for the t being, in the ſame manner that other public charges are by law collected; and the ſaid ſum money, when ſo as aforeſaid reſpectively collected, ſhall be paid by ſuch collector to the afore commiſſioners, or the major part of them, or to their order or orders; which ſaid commiſſioners, the major part of them, are hereby authoriſed and required to receive and apply the ſame to the and purpoſe as by this act is directed.

III. A

. And be it enacted, That the ſaid commiſſioners, or a majority of them, ſhall be and are y authoriſed and required to contract and agree for the building of the ſaid gaol, and to direct lans of the ſame, which ſaid gaol ſhall be erected on the ground appropriated by law for that ſe, and when erected, finiſhed and completed, ſhall be uſed, held, taken and deemed to be, the r gaol of Montgomery county. Commiſſioners to contract, &c.

. And be it enacted, That in caſe any of the ſaid commiſſioners ſhall die, remove, refuſe, continue to act, the remaining commiſſioners, or a majority of them, ſhall appoint one or more ns, as the caſe may be, to fill up ſuch vacancy. How vacancies are to be filled.

And be it enacted, That the ſaid commiſſioners, or a majority of them, ſhall render a full fair account to the levy court of ſaid county of the receipts and expenditures of all monies ſhall be by them received and expended in virtue of this act. Account to be rendered, &c.

See 1799, ch. 19.

CHAP. XXII.

ACT to encourage the deſtruction of wolves and crows in the everal counties therein mentioned. Lib. JG. No. 2. fol. 597.

Paſſed 20th of Jan. 1798.

it enacted, *by the General Aſſembly of Maryland*, That as often as any free perſon or perſons ſhall bring before any juſtice of the peace within the counties of Harford or Montgomery the or heads of any wolf or wolves, and make oath, or affirmation, that the wolf or wolves of h he or they produce the head or heads were actually caught and killed within the limits of county in which he or they pray an allowance, and within ſix days next before the producing ame to ſuch juſtice, that then ſuch juſtice ſhall, and he is hereby authoriſed and directed to give perſon or perſons producing a certificate for ſuch head or heads produced and proved as aforeand in ſuch certificate to mention the oath, or affirmation, taken, and therein diſtinguiſhing h or how many of the heads of the old or young wolves; and every juſtice who ſhall have any 's head or heads brought before him by any perſon or perſons as aforeſaid, ſhall be and he is y authoriſed and empowered to judge of the age of the ſaid wolf or wolves, of which the head ads was brought before him, and if ſuch juſtice ſhall believe the age of ſuch wolf or wolves to d ſix months, that then he ſhall diſtinguiſh the ſame in his certificate by the words Old Wolf olves; and that every juſtice before whom any wolf's head is brought, and by whom a certifiſhall be given as aforeſaid, is hereby authoriſed and directed, immediately to cauſe the ears to t off, and the tongue taken out of and from the head or heads of ſuch wolf or wolves, and t, to prevent ſuch head or heads from being a ſecond time carried before a juſtice in order to n a certificate. Juſtice to give a certificate, &c.

And be it enacted, That every perſon or perſons who ſhall produce a certificate as aforeto the juſtice of the county wherein the ſaid wolf or wolves were killed, at the levy court, for every old wolf's head be allowed thirty dollars, and for every young wolf's head be allowur dollars, to be by the ſaid juſtices aſſeſſed and levied in the county levy, together with the ctor's ſalary for collecting the ſame, and to be paid by the collector to ſuch perſon or perſons as be entitled to the ſame as aforeſaid. To be allowed at the levy court, &c.

I. And be it enacted, That if any perſon reſiding in Harford, Montgomery or Cæcil counſhall bring to any juſtice of the peace of the county in which ſuch perſon ſhall reſide, the head eads of any crow or crows, ſuch perſon ſhall, for every ſuch head, be allowed in the county levy he ſaid county the ſum of eight cents, and the juſtice of the peace before whom ſuch head or s ſhall be brought, is hereby required to give the perſon bringing the ſame a certificate thereof, cauſe the ſaid head or heads to be burnt, or otherwiſe deſtroyed. Perſons to be allowed, &c.

. Provided nevertheleſs, and be it enacted, That no perſon whatſoever ſhall be entitled ny allowance for any ſuch head or heads, without firſt making oath, or affirmation, as the caſe be, that ſuch crow or crows was or were killed in the county where ſuch certificate is applied and that no certificate hath been obtained from any other juſtice of the peace for the ſame; and it ſhall be the duty of each and every juſtice of the peace before whom ſuch head or heads may rought by virtue of this or any other act now exiſting for the deſtruction of crows, to take and ive the oath, or affirmation, of the party bringing the ſame, free and clear from all charge againſt Proviſo.

the

CHAP. XXII.

the perſon or perſons making ſuch oath, or affirmation, any thing to the contrary in any law withſtanding.

Duration.

V. This act to continue until the twentieth day of October, one thouſand eight hundred.

CHAP. XXIII.

Paſſed 20th of Jan. 1798.

An ACT to incorporate the Somerſet library company. Lib. J No. 2. fol. 599.

Preamble.

WHEREAS the cultivation of uſeful knowledge, and the advancement of the liberal arts ſciences, in any country, have a beneficial influence in promoting the intereſt and happi of mankind: And whereas many liberal minded perſons of Somerſet county have contributed ſums of money for the purchaſe of valuable books, and have formed themſelves into a ſociety, the name of the Somerſet Library Company, and prayed that a law may paſs creating them a politic and corporate for ever; therefore,

Members incorporated, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the members of the ſaid ſoci heretofore voluntarily aſſociated for promoting uſeful knowledge, and all others who ſhall hereaf become members of the ſaid ſociety, according to the rules and regulations of ſaid ſociety, and w ſhall in all reſpects conform themſelves to ſuch laws, regulations and ordinances, as ſhall hereaf be duly made and enacted by the ſaid ſociety, according to the tenor hereof, be, and for ever he after ſhall be, a body corporate and politic in deed, by the name and ſtyle of The Somerſet Libr Company, and by the ſame name they are hereby conſtituted a body corporate and politic, to h perpetual ſucceſſion, and by the ſame name they, and their ſucceſſors, are hereby declared and m able and capable in law to have, hold, receive and enjoy, lands, tenements, rents, franchiſes, he ditaments, gifts and bequeſts, of what nature ſoever, in fee-ſimple, or for term of life, lives, ye or otherwiſe, and alſo to give, grant, let, ſell, alien or aſſign, the ſame lands, tenements, hered ments, goods, chattels and premiſes, according to the nature of the reſpective gifts, grants a bequeſts, made to them, the ſaid company, and of their eſtate therein; provided that the amount the clear yearly value of ſuch real eſtate does not exceed the value of two thouſand dollars in one year.

Society may ſue, &c.

III. AND BE IT ENACTED, That the ſaid ſociety be, and ſhall be for ever hereafter, able a capable in law to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend a be defended, in all or any of the courts or other places, and before any judges, juſtices and oth perſons, in all manner of actions, ſuits, complaints, pleas, cauſes and matters, of what nature kind ſoever, within this ſtate; and that it ſhall and may be lawful to and for the ſaid company, ever hereafter, to have and uſe one common ſeal in their affairs, and the ſame, at their will a pleaſure, to break, change, alter and renew.

To have certain officers, &c.

IV. AND BE IT ENACTED, That for the well governing the ſaid Somerſet library company, a ordering their affairs, they ſhall have the following officers; that is to ſay, one preſident, one ſecr tary, and one treaſurer, together with ſeven directors; and that on the firſt Tueſday of May ne between the hours of ten o'clock *ante meridiem*, and five o'clock *poſt meridiem*, as many of the me bers of the ſaid Somerſet library company as ſhall have paid in their ſubſcriptions to the ſaid co pany, or ſome perſon authoriſed by them to receive the ſame, and who ſhall attend at ſome place the town of Princeſs-Anne, of which place at leaſt ten days notice ſhall be given by public adv tiſement, ſhall chooſe, by ballot, one preſident, one ſecretary, and one treaſurer, together wi ſeven directors, and all ſuch other miniſters and officers as the ſaid company ſhall from time to ti find neceſſary for the purpoſe of carrying the intention of their inſtitution into effect, which ſa preſident, ſecretary, treaſurer and directors, ſhall hold their reſpective offices for one year from t time of their ſeveral elections; and on the firſt Tueſday of May, yearly and every year thereaft between the hours aforeſaid, and at ſuch place as ſhall be appointed by the ſaid company, to choo their officers aforeſaid, or ſuch others as ſhall be deemed neceſſary by the ſaid company, to hold th reſpective offices for the time limitted as aforeſaid; provided alſo, that nothing herein contained ſh be conſidered or intended to exclude any of the ſaid officers whoſe times ſhall be expired from bei re-elected, according to the pleaſure of the ſaid company; and of the day, hours and place, of ſuch elections, due notice ſhall be given as aforeſaid.

Who ſhall exerciſe power, &c.

V. AND BE IT ENACTED, That the preſident and officers of ſaid company ſhall be capable of e erciſing ſuch power for the well governing and ordering the affairs of the ſociety, and of holdi

occaſional meetings for that purpoſe as ſhall be deſcribed, fixed and determined by the ſtatutes, regulations and ordinances of the ſaid ſociety, hereafter to be made; provided always, that no e, law, regulation or ordinance, ſhall ever be made or paſſed by the ſaid company, or be bind- pon the members thereof, or any of them, unleſs the ſame ſhall have been duly prepared and drawn up in writing at one ſtated meeting of the company, and enacted or paſſed at the next ng, to be held at leaſt fourteen days ſubſequent to ſuch former meeting, and upon due notice as ſaid, that the enacting of ſtatutes and laws, or the making and paſſing ordinances and regula- will form a part of the buſineſs of ſuch meeting; nor ſhall any ſtatute, law, regulation or or- ce, be then, or at any time enacted or paſſed, unleſs thirteen members of ſaid company, or greater number of members as may be afterwards fixed by the rules of the company, be preſent, s ſuch quorum of the officers as the laws of the company for the time being may require, and the ſame be voted by two thirds of the whole body then preſent; all which ſtatutes, laws, or- ces and regulations, ſo as aforeſaid duly made, enacted and paſſed, ſhall be binding upon every er of the ſaid company, and be from time to time inviolably obſerved, according to the tenor ffect thereof; and provided alſo they be not repugnant or contrary to the laws of this ſtate for me being in force.

. AND BE IT ENACTED, That if any of the elections of the officers aforeſaid ſhould not be on the days and times in the ſaid act mentioned, that it ſhall and may be lawful for the preſi- for the time being, or any two of the directors, to give notice of a time and place at which the lection ſhall be made, other than thoſe in the ſaid act mentioned. If elections are not made, notice to be given, &c.

CHAP. XXIV.

ACT authoriſing the eſtabliſhment of a new ferry in Somerſet ounty. Lib. JG. No. 2. fol. 601.

Paſſed 20th of Jan. 1798.

HEREAS it is repreſented to this general aſſembly, by the petition of ſundry perſons, inhabitants of that part of Somerſet county called the Devil's Iſland, that they labour under inconvenience for want of a ferry from the ſaid iſland to the main land, and have prayed that t might paſs authoriſing the county court of Somerſet county to licence ſome fit and proper per- o keep a ferry at the uſual place of croſſing from ſaid iſland to the main land; therefore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the ſaid county court d they are hereby authoriſed to grant a licence to ſome fit and proper perſon to keep a ferry e uſual place of croſſing, or any other that may be deemed more convenient, from the ſaid iſland e main, and ſuch licence to renew from time to time as is now practiſed, and to allow to the n to whom the ſaid licence ſhall be granted ſuch compenſation for keeping ſaid ferry as they in judgment ſhall think adequate for the keeping the ſame. Juſtices to grant a licence, &c.

. AND BE IT ENACTED, That the ſaid ferry, when licenſed by the county court aforeſaid, ſhall r ever thereafter deemed and taken to be a public ferry, and ſubject to the ſame regulations as c ferries now are by the exiſting laws of this ſtate. Ferry deemed public.

. AND BE IT ENACTED, That Levin Winder, Robert Jones, ſenior, William Jones, (Meno- Lambert Hyland and George Irving, or the major part of them, ſhall be commiſſioners, and are y authoriſed to purchaſe, if they ſhould think neceſſary, two pieces of ground for the uſe of ounty aforeſaid, one of which to be on each ſide of the ferry aforeſaid, not exceeding one acre e whole, for the purpoſe of landing places, and on which to erect wharfs, if neceſſary; and the commiſſioners are hereby empowered to contract for materials, and to agree with ſome perſon rſons to build and finiſh the ſaid wharfs, which, when completed, ſhall be and remain as public fs for the uſe of Somerſet county. Commiſſioners appointed, &c.

AND BE IT ENACTED, That the juſtices of the peace of Somerſet county, at their next levy , be and they are hereby authoriſed and directed to impoſe on the aſſeſſable property of ſaid y a ſum not exceeding one hundred and twenty dollars, together with an allowance of ſix *per* to the collector for collection, which ſum, ſo aſſeſſed, ſhall be collected by the collector of So- et county aforeſaid as other county charges are collected, and when ſo collected ſhall, by the collector, be paid to the commiſſioners aforeſaid, or the major part of them, to be by them ap- in payment for the ground, and the building the wharfs aforeſaid. Juſtices to levy money, &c.

VI. AND

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How vacancies are to be filled.

VI. AND BE IT ENACTED, That in case any of the said commissioners shall die, rem or be incapable to act, the residue, or the major part of them, shall fill up the vacancy or va cies.

Value to be ascertained, &c.

VII. AND BE IT ENACTED, That in case the said commissioners and the owner or owners of pieces of ground aforesaid cannot agree on the prices thereof, or the owners, or either of them, be under any disability to contract for the sale thereof, any two justices of the peace for Some county are hereby authorised to direct the sheriff of Somerset county to summon twelve good lawful men of his bailiwick, not interested in the said lands nor related to the parties, to ap upon each of the said pieces of ground, who shall be impannelled and sworn as a jury to inquire the value of the said pieces of ground, or either of them; and the said commissioners shall pa the owner or owners of said lands the sum or sums assessed by the said jury to be the value of lands aforesaid, and thereupon the property in the said pieces of ground shall be vested in the county for ever for the purposes aforesaid.

CHAP. XXV.

Passed 20th of Jan. 1798.

A Supplement to the act for building a new gaol in the town Easton, in Talbot county, and to provide for the regulation of t said gaol. Lib. JG. No. 2. fol. 603.

Preamble.

WHEREAS it is represented to this general assembly, that since the passage of the act, enti An act for building a new gaol in the town of Easton, in Talbot county, and to provid the regulation of the said gaol, enacted at November session, in the year one thousand seven hun and ninety-four, * Samuel Sharp and Samuel Logan, two of the commissioners appointed by the act for superintending the building of the said gaol, are deceased, and there is no provision in said act for supplying the vacancies occasioned by their death; therefore,

* Chapter 67.

Commissioners appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Owen Kennard and David Ker the said county, be and they are hereby appointed commissioners in the room respectively of the Samuel Sharp and Samuel Logan, for the several purposes mentioned in the said original act; the said commissioners hereby appointed, together with the surviving commissioners appointed by original act, or a majority of them, shall be and they are hereby authorised, empowered and requ to do, execute and perform, the several acts, powers and trusts, directed by the said original act like manner, and to the like effect, as if the commissioners hereby appointed had been named in said act.

How vacancies are to be filled.

III. AND BE IT ENACTED, That if any of the said commissioners shall refuse to act, resign, move or die, it shall and may be lawful for the remaining commissioners, or a majority of them, often as a vacancy shall happen, to appoint another commissioner in the place of him who shall so fuse to act, resign, remove or die, and every commissioner so appointed shall have all the power a commissioner appointed by this or by the original act until the purposes of the said act shall be complished.

Present gaol to be sold, &c.

IV. AND BE IT ENACTED, That the said commissioners, or a majority of them, be and they hereby empowered to sell the present gaol of Talbot county at public sale, and to apply the mo arising therefrom towards building the new gaol, or otherwise, in their discretion, to abate the gaol, and to apply the materials thereof towards the foundation or other parts of the new build and after the sale or abatement of the old, and until the completion of the new gaol, it shall may be lawful for the sheriff of Talbot county to rent or hire one or more suitable apartments in town of Easton for the legal confinement of persons, and to claim the reasonable expence thereo the justices of the levy court, who are hereby empowered and required to allow the same, an levy the amount like other public charges of the county.

CHAP. XXVI.

An ACT to make compensation to certain commissioners. Lib. J No. 2. fol. 604.

Preamble.

WHEREAS by a resolve of the last general assembly Walter Bowie, Levi Gantt, Benja Lowndes and Thomas Duckett, of Prince-George's county, William Harwood and Edw Hall, of Edward, of Anne-Arundel county, and Charles Wallace and James Williams, of the city Annapo

, were authoriſed and empowered to examine the ſituation of the country between the city ngton and the city of Annapolis, and aſcertain and determine the direction and poſition of ſt, moſt convenient and practicable road that could be laid off between the ſaid places, and ſame, with a plot thereof, to the next general aſſembly: And whereas the ſaid commiſſi- e undertaken and completed the ſame, and returned a plot of the ſaid road to this general and the expence attending the execution of ſurveying, laying down and plotting the ſaid unting to the ſum of four hundred ſixty-ſeven dollars thirty-three cents, CHAP. XXVI.

IT ENACTED, *by the General Aſſembly of Maryland*, That the reſpective counties of Anne- nd Prince-George's are hereby authoriſed and empowered to levy the ſum of eighty-three rty-one cents on their reſpective counties, in addition to the ſum of one hundred and fifty eady directed to be levied on the ſaid counties, for defraying the expence aforeſaid. Money to be levied.

CHAP. XXVII.

annulling the marriage of William Barroll, of Kent county, and Lucretia his wife. . No. 2. fol. 605. A Private Act. Paſſed 20th of Jan. 1798.

CHAP. XXVIII.

CT to eſtabliſh and regulate a market at Bridge-town, in Kent nty, and for other purpoſes therein mentioned. Lib. JG. 2. fol. 605.

A Supplement 1798, ch. 36.

EREAS it is repreſented to this general aſſembly, by the inhabitants of the Head of Cheſ- r, in Kent and Queen-Anne's counties, that the erection of a market-houſe, and eſtabliſh- a market, at Bridge-town, in Kent county, under proper regulations, would contribute he convenience and accommodation of the inhabitants of the ſaid town, as well as to the nt and advantage of the neighbourhood, Preamble.

IT ENACTED, *by the General Aſſembly of Maryland*, That John Comegys, John Turner, doctor omas, Daniel Knock and John Greenwood, be and they are hereby appointed commiſſioners own, to receive ſubſcriptions for raiſing a ſum of money for the purpoſe of purchaſing a nt piece of ground within the limits of the ſaid town, and for erecting thereon a good and market-houſe, and for regulating the ſame until the firſt day of April, ſeventeen hundred y-nine. Commiſſioners appointed, &c.

ND BE IT ENACTED, That the ſaid John Comegys, John Turner, doctor John Thomas, nock and John Greenwood, or any two or more of them, are hereby empowered to receive ntary grant, or to contract with any perſon or perſons for, ſo much ground within the limits own as will be ſufficient for the erection of a good and convenient market-houſe; and they y empowered to contract with any perſon or perſons for the neceſſary materials, and for and completing the ſame, in ſuch manner as they ſhall think proper. Who may receive a grant, &c.

ND BE IT ENACTED, That from and after one month after the ſaid market-houſe ſhall be and received by the commiſſioners aforeſaid, of which public notice ſhall be given, the ay and Saturday of every week thereafter be ſet apart as market-days within the limits of , and that all proviſions brought to the ſaid town for ſale, after the time afore-mentioned, aken or carried to the ſaid market-houſe, and there be ſold, or offered for ſale, at the mar- , which are hereby eſtabliſhed to be from any time in the morning of the ſaid days, until clock at noon; provided always, that fiſh or oyſters, or beef by the quarter or larger quan- pork by the hog or hogs, or any kind of grain, flour or bread, or butter in firkins, or in s exceeding twenty pounds, or cheeſe, or beef or pork in barrels, or live cattle, ſheep or ſpectively brought to ſaid town or market upon the days aforeſaid, or on any other days, undays, may be ſold, bartered, or otherwiſe diſpoſed of, in the ſame manner as if this act been paſſed. Market-days ſet apart, &c.

ND BE IT ENACTED, That if any free inhabitant of the ſaid town ſhall preſume to buy, to be bought, of any perſon or perſons bringing or having brought to ſaid town, or ne mile thereof, any kind of proviſions whatſoever for ſale, (except the articles herein be- vided for,) either upon the ſtated market-days aforeſaid, or on any other days during the Penalty for buying out of market, &c.

CHAP. XXVIII.

time of the market-hours herein before eſtabliſhed, at any other place whatſoever but at ſaid market-houſe, ſuch perſon ſhall forfeit and pay the ſum of fifteen ſhillings current m every ſuch offence.

For ſelling out of market, &c.

VI. AND BE IT ENACTED, That if any perſon whatſoever, after the erection of the ſai houſe as aforeſaid, ſhall preſume to ſell, or cauſe to be ſold, to any free inhabitant of ſaid any ſervant or ſlave of ſuch inhabitant, any article of proviſions whatſoever which ſuch pe be bringing or ſending, or have brought or ſent, to the ſaid town, or within one mile th ſale, (except the articles herein before excepted,) either upon the ſtated market-days afo on any other days during the time of the market-hours herein before eſtabliſhed, at any ot whatſoever but at or in the ſaid market-houſe, every ſuch perſon ſhall forfeit and pay th fifteen ſhillings current money for every offence.

For ſlaughtering in the market-houſe, &c.

VII. AND BE IT ENACTED, That if any perſon ſhall ſlaughter or butcher any kind ſheep or hogs, in or near the ſaid market-houſe, or ſuffer the ſame to be done, every offending ſhall forfeit and pay the ſum of fifteen ſhillings current money for every ſuch offe

And for putting horſes, &c. therein.

VIII. AND BE IT ENACTED, That if any perſon, after the time herein before limitted, or cauſe to be put, any horſe, mare or gelding, or any cart, waggon or other carriage, into the ſaid market-houſe, on any pretence whatſoever, every ſuch perſon ſhall forfeit and pay of ſeven ſhillings and ſix-pence current money for every ſuch offence.

A clerk to be appointed, &c.

IX. AND BE IT ENACTED, That the commiſſioners of the ſaid town, to be appointed by this act, ſhall, after the erection and receipt of the ſaid market-houſe as aforeſaid, nom appoint a perſon of good repute and ſkill to be clerk of the ſaid market; and if the perſo pointed ſhall die, reſign, or refuſe to act, or be rendered incapable of acting by reaſon of viour, or removal from office, the ſaid commiſſioners ſhall aſſemble together as ſoon there conveniently may be, and nominate and appoint another qualified perſon to be clerk of market for the remainder of the year.

Who ſhall take an oath, &c.

X. AND BE IT ENACTED, That every perſon to be appointed clerk of the ſaid market ſaid, before he ſhall proceed to act as ſuch, ſhall take an oath, or affirmation, before the miſſioners, that he will diligently and faithfully, according to the beſt of his ſkill and judg ecute and perform the ſeveral duties of clerk of the ſaid market, without favour, affection tiality, and that he will not, directly or indirectly, demand or receive any fee or reward for ing ſuch duties but what is or ſhall be allowed by law; and the ſaid oath, or affirmation, adminiſtered by the ſaid commiſſioners, or any one of them.

His powers.

XI. AND BE IT ENACTED, That the clerk of the ſaid market ſhall have ſufficient power thority, at all times thereafter, to take care and charge of the ſaid market-houſe, and of ket thereof, and to examine and inſpect proviſions brought thereto for ſale; to examine and weight of butter brought to the ſaid market, previouſly made up in prints or parcels, and if ſhall not be found of the weight declared by the perſon offering the ſame for ſale, to ſeize the ſame, and the money ariſing from the ſale thereof ſhall be paid to the commiſſioners, plied by them as is hereafter directed; and if any proviſion ſhall be found unſound or unwh to ſeize and deſtroy the ſame; and alſo to try and adjuſt the ſcales, weights and meaſures, u ſaid market, by the ſtandards of the county, and if any weights or meaſures ſhall be falſe or to ſeize the ſame, and on a juſt alteration thereof to diſpoſe of the ſame to the higheſt bid to account for the money ariſing from thoſe ſales with the ſaid commiſſioners; and if any ſhall think himſelf aggrieved by any ſeizure made by the clerk of ſaid market, he may appeal three days, to the commiſſioners of ſaid town for redreſs, or any one of them, and he or th have power and authority to make ſuch order therein as they may deem juſt and proper.

Market-houſe veſted, &c.

XII. AND BE IT ENACTED, That the ſaid market-houſe, and the ſtalls, ſhambles, iſſues pertenances thereof, ſhall be and the ſame are hereby veſted in the ſaid commiſſioners, a ſucceſſors, for the uſe and in truſt for the benefit and advantage of the inhabitants of the ſai and the clerk of the ſaid market ſhall have full power, under the direction of the ſaid commi to rent and hire out the ſtalls and ſhambles of the ſaid market-houſe upon the beſt terms, and a fair and juſt account, as well of the perſons renting as of the profits ariſing from ſuch re to render duplicates of ſuch accounts to the ſaid commiſſioners annually, on the firſt M March, or oftener if he ſhall be required; and the ſaid rents and profits ſhall be paid to the

mmiſſioners, and be applied to the uſes directed by this act, and in default of payment, hall be recovered, in the name of the ſaid commiſſioners, from any tenant or perſon re- elaying to pay the ſame, by the warrant of a juſtice of the peace, as in the caſe of ſmall re a magiſtrate; and the clerk of the ſaid market ſhall be allowed a reaſonable compenſa- s ſervices, not exceeding the ſum of twenty dollars *per annum*, to be aſcertained by the iſſioners, and to be raiſed by voluntary contribution from the inhabitants of ſaid town.

A meeting to be called, &c.

AND BE IT ENACTED, That the commiſſioners of the ſaid town ſhall, on the firſt Monday one thouſand ſeven hundred and ninety-nine, and annually on the firſt Monday in March by public notice of at leaſt ten days, call a meeting of the inhabitants of ſaid town who d to vote, to chooſe commiſſioners for the enſuing year, at which election any juſtice of the preſide; and the ſaid inhabitants ſhall then chooſe, *viva voce*, five diſcreet reputable per- bitants of ſaid town, or of Sand-town, in Queen-Anne's county, to act as commiſſioners ear from and after the firſt day of April next enſuing; and it ſhall be lawful for all male ſons, reſidents of ſaid town, and having a family therein, to vote at ſaid elections for com- and the five perſons having the greateſt number of votes at ſaid election ſhall be commiſſi- one year, to execute the duties of this act; and the commiſſioners ſhall, by election among s, fill all vacancies which may happen in their own body within the year.

1798, ch. 36, the privilege of voting for commiſſioners is extended to Sand-town, in Queen-Anne's county.

Swine not to go at large, &c.

AND BE IT ENACTED, That it ſhall not be lawful for any perſon or perſons to ſuffer ſwine large within the circle of one half mile from Gilpin's brick mill; and if any ſwine ſhall be g at large within the limits aforeſaid, it ſhall be lawful for any perſon to ſeize and impound giving notice thereof at the market-houſe (a) aforeſaid for five days ſucceſſively, and if no ll claim ſuch ſwine within the five days aforeſaid, and if claimed, and the owner will not n the ſaid five days the ſum of three ſhillings and nine-pence per head for each and every ſwine ſhall be impounded, it ſhall and may be lawful for the perſon making ſuch ſeizure to ſwine, and after deducting the ſum of three ſhillings and nine-pence per head for each and the ſaid ſwine has been impounded, he ſhall pay the balance, if any, to the commiſſioners wn, to be applied as is hereafter directed, if not demanded by the owner or owners of ſuch three months after the time of ſale.

1798, ch. 36, the notice may be given, (until the market-houſe is finiſhed,) at any public houſe in Bridge-town, or own, in Queen-Anne's county.

How fines, &c. are to be recovered, &c.

ND BE IT ENACTED, That the fines, penalties and forfeitures, incurred under this act, ſhall red before a juſtice of the peace, upon the complaint, on oath or affirmation, of one com- d credible witneſs, as other ſmall debts are recovered, and the ſaid penalties and forfeitures paid to the commiſſioner firſt named in this act, and hereafter to his ſucceſſor, having the umber of votes at any election for commiſſioners which ſhall hereafter take place, to be ap- der the direction of a majority of ſaid commiſſioners, to the repair and ſupport of the ſaid ouſe, or otherwiſe, as they in their diſcretion may think proper, for the improvement and n of the ſaid town, and for the improvement of Sand-town, in Queen-Anne's county.

CHAP. XXIX.

Paſſed 20th of Jan. 1798.
* 1790, ch. 32.

plement to an act, * entitled, An act to ſtreighten and amend ſeveral public roads in ſeveral counties, and for other purpoſes rein mentioned. Lib. JG. No. 2. fol. 610.

Preamble.

EREAS the commiſſioners under the law to which this is a ſupplement have neglected to nake a return of the plots and courſes of the road leading from the court-houſe of Montgo- unty to Benjamin Edwards's, from thence to the mouth of Monocacy, and alſo from the uſe by Middle-Brook mills to the Frederick county line, which ſaid roads were adopted by ty court in March term, ſeventeen hundred and ninety-five;

Plot, &c. to be returned, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid commiſſioners, or a majo- them, are hereby required and authoriſed to make a return of the plots and courſes of ſaid by them laid out, to the clerk's office of ſaid county, to be there recorded, and that the r be and he is hereby required, under the direction of the levy court, to open the ſame; and roads, when ſo opened, ſhall be taken for, and they are hereby declared to be, public roads ounty, and may be repaired as other public roads are repaired.

CHAP. XXX.

Paſſed 20th of Jan. 1798.

An ACT to empower the juſtices of the levy court of Anne-Arundel county to aſſeſs and levy annually a ſum of money for the purpoſe therein mentioned. Lib. JG. No. 2. fol. 611.

Preamble.

WHEREAS James Britton, and Alice his wife, by their petition to this general aſſembly ſet forth, that they are both upwards of eighty years of age, and very infirm, and ſaid Alice is in ſuch an advanced ſtage of the dropſy as to be incapable of being removed to the houſe of the ſaid county without endangering her life, and pray that ſome proviſions may be for their further ſupport, and it appearing to this general aſſembly that the above petitioners are objects entitled to legiſlative aid,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the peace of Anne-Arundel county, at their levy court, ſhall have full power and authority, and they are hereby authoriſed and required, annually to aſſeſs, (ſo long as they ſhall ſee cauſe,) on the aſſeſſable property of the county, a ſum not exceeding twenty pounds current money for any one year, or one half of ſaid ſum for either of them, which ſaid ſum, ſo levied and aſſeſſed, ſhall be collected as other county charges are, and paid to the ſaid James Britton and Alice Britton, or either of them, as the caſe may be, or ſuch other perſon as they the ſaid juſtices ſhall appoint, for the uſe, ſupport and maintenance, of the ſaid James Britton and Alice Britton.

CHAP. XXXI.

An ACT reſpecting certain lots weſtward of Fort Cumberland erroneouſly transferred. Lib. JG. No 2. fol. 611.

Preamble.

WHEREAS it appears by the returns of the lots diſtributed among the officers, ſoldiers and ſettlers, lying to the weſtward of Fort Cumberland, in Allegany county, made to the weſtern ſhore land-office by the commiſſioners appointed for that purpoſe, that ſeveral of the lots were by miſtake, have been awarded to two perſons, and there being other lots unappropriated, which may be applied to the purpoſe of correcting ſaid miſtake; therefore,

Regiſter to correct returns, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the regiſter of the weſtern land-office be and he is hereby authoriſed and required to correct the returns of the commiſſioners made to ſaid office of the lands in Allegany county, weſtward of Fort Cumberland, in the following particulars, to wit: By eraſing number thirty-two, ſet oppoſite to the name of John Wade, ſoldier, and inſtead thereof by inſerting number thirty-five; by eraſing number one thouſand one hundred and ninety-nine, ſet oppoſite to the name of Thomas Burch, ſoldier, and inſtead thereof by inſerting one thouſand one hundred and forty-nine; by eraſing number one thouſand nine hundred and nine, ſet oppoſite to the name of John Holliday, ſoldier, and inſtead thereof by inſerting one thouſand ſix hundred and nine; by eraſing number three hundred and ninety-eight, ſet oppoſite to the name of Samuel Hughes, ſoldier, and inſtead thereof by inſerting number three hundred and eighty-nine; by eraſing number two hundred and ſixty-ſeven, ſet oppoſite to the name of Thomas Jones, ſoldier, and inſtead thereof by inſerting number two hundred and ſixty-nine; by eraſing number three thouſand and two, ſet oppoſite to the name of Thomas Randall, ſoldier, and inſtead thereof by inſerting number three thouſand one hundred and two; by eraſing number two thouſand five hundred and eighty-ſix, ſet oppoſite the name of Peter Fountain, ſoldier, and inſtead thereof by inſerting number two thouſand four hundred and eighty-ſix; by eraſing number one thouſand four hundred and ſeventy-four, ſet oppoſite to the name of Solomon Green, ſoldier, and inſtead thereof by inſerting number one thouſand four hundred and ſeventy-ſeven; by eraſing numbers two thouſand ſix hundred and twenty, two thouſand ſix hundred and twenty-two, and two thouſand ſix hundred and twenty-one, ſet oppoſite to the name of Peter Title, ſettler, and inſtead thereof by inſerting numbers three thouſand ſix hundred and twenty, three thouſand ſix hundred and twenty-one, three thouſand ſix hundred and twenty-two; by eraſing number one thouſand three hundred and ſeventy-four, ſet oppoſite to the name of Joſeph Roberts, ſoldier, and inſtead thereof by inſerting number three thouſand one hundred and fifty-four; by eraſing number one thouſand four hundred and eighteen, ſet oppoſite to the name of William Murdock, officer, and inſtead thereof by inſerting number two thouſand four hundred and eighteen; by eraſing the name of Jacob Salveſter, ſettler, and ſet oppoſite to number one hundred and forty-three, and inſtead thereof by inſerting the name of Job Salveſter; by eraſing number one thouſand nine hundred and thirteen, ſet oppoſite the name of Edward Hall, a ſoldier, and inſtead thereof by inſerting one thouſand ſix hundred and thirteen.

III.

II. And be it enacted, That on a written agreement being entered into by and between John ...pton and John Seigler, ſettlers, their heirs or legal repreſentatives, and acknowledged before a ...ice of the peace for Allegany county, aſcertaining the proper proprietor of the lot three thouſand ...en hundred and forty-ſix, which agreement being produced to the ſaid regiſter, he is hereby au...riſed and required to correct the return conformably to the ſaid agreement, and inſtead of the ...nber eraſed to inſert number three thouſand ſeven hundred and forty-eight, an unappropriated lot, ...belonging to the perſon whoſe number is erroneouſly returned. CHAP. XXXI. On agreement, return to be corrected, &c.

V. And be it enacted, That the ſeveral and reſpective lots changed and appropriated in vir... of this act ſhall be held by the perſons whoſe names are ſet oppoſite to them, or their legal re...ſentatives, in lieu of thoſe originally noted, as fully and effectually as if they had been allotted ...awarded by the commiſſioners aforeſaid. Lots changed to be held, &c.

V. And be it enacted, That the commiſſioners of the tax for Allegany county ſhall, before ... next collection of the county aſſeſſment, charge and levy on the reſpective perſons, or their legal ...reſentatives, a proportionate aſſeſſment on the lots directed by this act to be allotted to them, in...d of thoſe formerly returned. And to be aſſeſſed, &c.

CHAP. XXXII.

An ACT to authoriſe and empower the levy court of Montgomery county to aſſeſs and levy annually a ſum of money for the ſupport of Jemima Thompſon. Lib. JG. No. 2. fol. 613.

Paſſed 20th of Jan. 1798.

Whereas Jemima Thompſon, of Montgomery county, by her petition to this general aſſem... bly hath ſet forth, that ſhe is in her old age, and entirely deprived of the uſe of her limbs, ...frequent attacks of the rheumatiſm, and has no other dependence whereby to ſubſiſt but on the ...evolence and care of her affectionate daughter, who is very poor, and prays an act may paſs to ...vide for her future maintenance out of the poor's houſe; and the facts ſtated in ſaid petition ap...ring to be true, therefore, Preamble.

II. Be it enacted, *by the General Aſſembly of Maryland*, That the juſtices of Montgomery county ...ll be and are hereby directed and empowered, at their levy court annually, ſo long as they ſhall ...cauſe, to aſſeſs and levy on the aſſeſſable property of ſaid county a ſum of money, not exceeding ...ty dollars, for the ſupport and maintenance of the ſaid Jemima Thompſon, and that the ſame be ...lected and paid annually by the collector of Montgomery county to ſuch perſon as the levy court ...ſaid county ſhall or may direct. Money to be levied, &c.

CHAP. XXXIII.

An ACT to authoriſe and empower the levy court of Saint-Mary's county to aſſeſs and levy annually a ſum of money for the ſupport of Bennett Thompſon, ſon of Elizabeth Thompſon. Lib. JG. No. 2. fol. 614.

Whereas it is repreſented to this general aſſembly, by the petition of Elizabeth Thompſon, ... that ſhe is a widow with ſeveral ſmall children, accompanied with the misfortune to have a ...afflicted with fits, deprived of his intellects, and one of his arms entirely uſeleſs, and praying ...t a law may paſs for the ſupport and maintenance of her ſaid ſon out of the poor's houſe; and the ...ayer of the ſaid petitioner appearing reaſonable, therefore, Preamble.

II. Be it enacted, *by the General Aſſembly of Maryland*, That the juſtices of the levy court for ...int-Mary's county ſhall be and they are hereby authoriſed and empowered to aſſeſs and levy on ...d county annually the ſum of thirty dollars, for the ſupport and maintenance of Bennett Thomp...n, ſon of Elizabeth Thompſon, and that the ſame be collected and paid to them by the collector or ...llectors of Saint-Mary's county, agreeably to the order of the levy court aforeſaid. Juſtices to levy money, &c.

CHAP. XXXIV.

A Supplement to the act, * entitled, An act for the relief of the poor of Waſhington county. Lib. JG. No. 2. fol. 614.

* 1796, ch. 22.

Be it enacted, *by the General Aſſembly of Maryland*, That Henry Schenebly, William Heyſer and George Neigh, be and they are hereby appointed truſtees of the poor of Waſhington county, and Truſtees appointed, &c.

CHAP. XXXIV.

and they, and their ſucceſſors, are hereby inveſted with full power and authority to diſcharge and perform the ſeveral duties and truſts repoſed in and required of them by this act, and which by the act to which this is a ſupplement were repoſed in and required of the ſeveral perſons named and appointed in and by the ſaid act truſtees of the poor of ſaid county.

Who ſhall take an oath, &c.

II. AND BE IT ENACTED, That the ſaid Henry Schenebly, William Heyſer and George Neigh and each of them, and all and every perſon or perſons who ſhall or may hereafter be appointed truſtee or truſtees of the poor of Waſhington county aforeſaid, in the manner herein after directed, ſhall with all convenient ſpeed, and before he or they ſhall proceed to act as ſuch, take and ſubſcribe the following oath, or affirmation, as the caſe may be, to wit: "I, A. B. do ſolemnly ſwear, or affirm "that I will well and faithfully execute and perform the truſt and duties repoſed in or impoſed upon "me as a truſtee of the poor of Waſhington county, without favour, partiality or affection, accord "ing to the beſt of my ſkill and knowledge;" which oath, or affirmation, the juſtices of the county court, or any juſtice of the peace, may adminiſter and take.

Declared to be one community, &c.

III. AND BE IT ENACTED, That the ſaid truſtees ſhall be, and they are hereby declared to be one community, corporation and body politic, for ever, by the name of The Truſtees of the Poor of Waſhington County, and by the ſame name they, and their ſucceſſors, ſhall and may have perpetual ſucceſſion, and ſhall and may, at all times hereafter, be perſons able and capable in law to purchaſe, take and hold, to them and their ſucceſſors, in fee, or for any leſs eſtate or eſtates, any lands, tenements, hereditaments, rents or annuities, within this ſtate, not exceeding the yearly value of fifteen hundred dollars, by the gift, bargain, ſale or deviſe, of any perſon or perſons, bodies politic or corporate, capable of making the ſame, and ſuch lands, tenements or hereditaments, to rent or leaſe in ſuch manner as they may judge moſt conducive to the intereſt of the ſaid poor, and to the end and purpoſes contemplated and intended to be produced by this act, and the act to which this is a ſupplement; and alſo to take and receive any ſum or ſums of money, and any kind of goods and chattels, which may or ſhall be given, ſold or bequeathed, unto them, by any perſon or perſons, bodies politic or corporate, capable to make a gift, ſale or bequeſt thereof, and to apply the ſame for the uſe of the ſaid poor as herein before directed; and may alſo take and receive, by way of ſubſcription, any ſum or ſums of money which ſhall or may be given for the uſe of the ſaid poor, and to advance the end intended by this act, and the act to which this is a ſupplement.

And may ſue, &c.

IV. AND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, (by the name aforeſaid) ſhall be for ever hereafter capable in law to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, in all and any court of law or equity in this ſtate, and before all or any judges, officers or other perſons, in all and ſingular actions, matters and demands whatſoever; and it ſhall and may be lawful for them, and their ſucceſſors, for ever hereafter, to have a common ſeal for their uſe, and in their affairs and buſineſs, and the ſame, at the will and pleaſure of them, and their ſucceſſors, to change, alter, break and make anew, from time to time, as they ſhall think beſt.

How vacancies are to be filled.

V. AND, to keep up and perpetuate the number and ſucceſſion of the ſaid truſtees, BE IT ENACTED, That as often as any one or more of the ſaid truſtees herein appointed, or who ſhall hereafter be appointed in virtue of this act, ſhall die, remove him or themſelves out of the county, refuſe to qualify by taking and ſubſcribing the ſaid oath, or affirmation, or become incapable of acting, or refuſe to act, the juſtices of the county court, or the aſſociate juſtices thereof, are hereby authoriſed and required to nominate and appoint one or more, as the caſe may require, of the principal inhabitants of ſaid county, in the place and room of ſuch truſtee or truſtees, and to fill up the number of truſtees of the poor of the ſaid county, which perſon or perſons ſo from time to time nominated and appointed, ſhall and are hereby directed and required to be qualified in the manner herein before directed, before he or they ſhall proceed to act as truſtee or truſtees of the poor of ſaid county.

Penalty for refuſing to act.

VI. AND BE IT ENACTED, That every perſon, by this act appointed as a truſtee for the poor, or that ſhall hereafter be nominated and appointed as ſuch, purſuant to the directions thereof, and of the twenty-firſt ſection of the act to which this is a ſupplement, and who ſhall wilfully refuſe or delay to take upon him the ſaid office, ſhall forfeit and pay, for every ſuch refuſal or delay, the ſum of twenty-four dollars; provided, that no member of the general aſſembly, clergyman, attorney, or practiſing phyſician, be obliged to accept of the office of the truſtee aforeſaid, or forfeit as aforeſaid for refuſing to accept and take upon him the ſame; and that no judge of the general court, juſtice of the county court, juſtice of the peace, or ſheriff, or any one who hath not the qualifications to be a member of the general aſſembly, if elected, ſhall be capable to be choſen or act as a truſtee aforeſaid.

VII. And

Justices to levy money, &c.

VII. AND BE IT ENACTED, That the justices of the said county shall, and they are hereby au- rised, empowered and directed, to assess and levy at their next levy court, in equal proportions all the assessable property within the said county, the sum of two thousand dollars, and such her sum at the time of laying the county rate in the year seventeen hundred and ninety-nine, as be thought necessary by the said trustees, or their successors, for the purposes mentioned and nded by this act, and the act to which this is a supplement, not exceeding two thousand dollars, ther with the collector's commission on each sum of six *per centum* for collecting the same; which rate or assessment, so as aforesaid to be assessed and levied, shall be collected by the collector of said county in the same manner, and at the same time, as the county rate is collected, and when s aforesaid collected, shall be paid by the said collector to the said trustees, and their successors, are hereby authorised and required to receive and apply the same to the uses and purposes ein after directed.

Trustees to purchase land, &c.

VIII. AND BE IT ENACTED, That the said trustees and their successors, shall be and they are eby authorised, directed and required, to purchase, in fee-simple, by the name aforesaid, a piece uantity of land in the said county, not exceeding seven acres, and situate and being as near and onvenient as may be to the court-house of said county, and not exceeding seven miles therefrom, to agree and contract with a workman or workmen to undertake, erect, build, and in a workman- manner to complete and finish, on the said land, when so purchased, a good, strong, sufficient and venient house, for the reception of the poor of the said county, and of such vagrants, beggars, abonds and offenders, as shall be committed thereto by virtue of the act to which this is a supple- nt, and they shall appropriate one part thereof, to be called the alms-house, to and for the recep- and lodging of the poor of the said county, and another part or parts thereof, to be called the k-house, and for the reception and lodging of all such vagrants, beggars, vagabonds and offenders, hall be committed thereto by virtue of the act to which this is a supplement; and the afore- land and house shall be, and are hereby declared to be, vested in the said trustees, and their cessors, for ever, for the uses and purposes by this act directed and expressed, and the act to ch this is a supplement.

Draw on the collector, &c.

IX. AND, to enable the said trustees to purchase the said land, to erect an alms and work-house reon, and for other purposes mentioned and directed in this act, and the act to which this is a sup- ment, BE IT ENACTED, That the said trustees, and their successors, be and they are hereby au- rised and empowered, from time to time, as occasion may require, to draw upon the collector of said county for all and any part of the money which shall or may be assessed, levied and collected, virtue of this act, and the act to which this is a supplement, and which shall or may be or remain he hands of the said collector.

And purchase beds, &c.

X. AND BE IT ENACTED, That the said trustees, or the major part of them, shall and they are eby authorised, directed and required, after the house aforesaid shall be completely erected and shed, to buy and purchase, for the use and employment of the poor of said county, and of the rants, beggars, vagabonds and offenders, who shall be committed thereto by virtue of the act to ch this is a supplement, beds, bedding, working tools, kitchen utensils, cows, horses, and other essaries; to keep a fair, distinct and clear account, in writing, of all the monies by them received expended by virtue of this act, and the act to which this is a supplement, and to return a true y thereof, on oath, and shew and produce the vouchers to support the same, to the justices of said nty, at their May courts yearly, to be by the said justices inspected and examined; which said ounts shall be lodged with the clerk of the said court.

Justices to levy money, &c.

XI. AND BE IT ENACTED, That the justices of the said county shall, and they are hereby em- vered and directed, to assess and levy in the year eighteen hundred, and annually for ever there- r, on all the property in said county subject and liable to assessment, at the time of laying their nty rate, such sum of current money as by the said trustees, and their successors, may be thought essary, not exceeding three shillings and nine-pence on every hundred pounds of property as resaid, in said county, together with the collector's commission of six *per cent.* for collecting the e; which said assessment shall be made, levied and collected, in the same manner as herein before ected, and when so collected, shall be paid by the collector to the said trustees, and their suc- ors, or to their order under their common seal, who are hereby authorised and required to re- ve and apply the same to and for the use, benefit and charge, of maintaining the said poor, va- nts, beggars, vagabonds and offenders, in the purchasing provisions, and other necessaries, for use labour, in paying a doctor for his attendance, medicines and advice, in providing men and men servants and nurses, to be under the direction and management of the overseer of such alms

and

CHAP. XXXIV.

and work-houſe, who ſhall be appointed by virtue of this act, and the act to which this is a ſupp ment, and in purchaſing materials for the uſe and employment of all beggars, vagrants, vagabo and offenders, who ſhall be able to work, and who ſhall be committed by virtue of the act to wh this is a ſupplement.

Perſons exonerated, &c.

XII. AND BE IT ENACTED, That all and ſingular the perſons appointed truſtees of the poor Waſhington county by the act to which this is a ſupplement, and who have neglected or refuſed qualify as truſtee or truſtees in the manner by the ſaid act preſcribed, ſhall be, and are hereby d clared to be, exonerated and diſcharged of and from all fines, penalties and forfeitures, by them curred by reaſon of ſuch refuſal or neglect.

Truſtees to retain money, &c.

XIII. AND BE IT ENACTED, That the truſtees herein before appointed, and their ſucceſſors, each and every of them, ſhall be and are hereby authoriſed and empowered to retain in their ha reſpectively, out of the ſum or ſums of money which ſhall or may be aſſeſſed, levied and collect by virtue of this act, the ſum of thirty dollars annually, as a compenſation for their ſervices as t tees of the poor of the county of Waſhington aforeſaid, as long as they continue to act as ſuch.

How penalties, &c. are to be recovered, &c.

XIV. AND BE IT ENACTED, That all penalties and forfeitures by this act impoſed ſhall be coverable by the ſaid truſtees, and their ſucceſſors, by the name aforeſaid, before any juſtice of t peace, and applied to the uſe of the poor of the ſaid county of Waſhington in ſuch manner as t ſaid truſtees, and their ſucceſſors, may direct.

Parts of an act repealed.

XV. AND BE IT ENACTED, That the ſecond, third, fourth, fifth, ſixth, ſeventh, eighth a ninth ſections of the act of aſſembly, entitled, An act for the relief of the poor of Waſhing county, (and to which this act is a ſupplement,) be and the ſame are hereby abrogated and repeal

CHAP. XXXV.

Paſſed 20th of Jan. 1798.

An ACT to incorporate the members of the library company Baltimore. Lib. JG. No. 2. fol. 619.

Preamble.

WHEREAS the eſtabliſhment of public libraries, under judicious regulations, cannot fail promote the diffuſion of uſeful knowledge and the intereſts of virtue, and to prove grea beneficial to ſociety: And whereas this general aſſembly is deſirous to aid and encourage every dertaking tending to produce theſe effects: And whereas ſundry perſons in the city of Baltimo and its vicinity, have formed themſelves into a company, and eſtabliſhed a library therein; the fore,

Perſons incorporated, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the aforeſaid perſons, and f other perſons as they may hereafter admit into their company, agreeably to ſuch rules and by-la as they may eſtabliſh for the beneficial and orderly management of their inſtitution, ſhall be, they, and their ſucceſſors and aſſigns, are hereby declared to be, one community, corporation body politic, for ever hereafter, by the name and ſtyle of the Library Company of Baltimore, by that name they ſhall be and are hereby made able and capable in law to have, purchaſe, rece poſſeſs, enjoy and retain, to them and their ſucceſſors, lands, tenements, rents, annuities, penſio and other hereditaments, in fee-ſimple, or for a term of years, life, lives or otherwiſe, and goods, chattels and effects, of what nature, kind or quality ſoever, and the ſame to grant, dem alien or diſpoſe of, and by the name aforeſaid to do and execute all other things touching the ſa provided, that the clear yearly value of the real eſtate of ſaid corporation, excluſive of any ho which they may hereafter poſſeſs for the keeping of the books, maps and other effects of the co pany, exceed not the ſum of one thouſand dollars.

Company may ſue, &c.

III. AND BE IT ENACTED, That the ſaid company, and their ſucceſſors, by the aforeſaid na ſhall be for ever hereafter able and capable in law to ſue and be ſued, plead and be impleaded, an and be anſwered, defend and be defended, in any courts of record, or any other place whatſoe and alſo to make, have and uſe, a common ſeal, and the ſame to break, alter and renew, at pleaſ and alſo to aſſemble and meet at ſuch times and places as they may agree upon and publicly not and by a majority of the voices of thoſe attending to ordain, eſtabliſh and put in execution, ſuch laws, ordinances and regulations, as to them ſhall ſeem neceſſary and convenient for the governm of the company, the ſame not being contrary to the laws of this ſtate, or of the United States, generally to do and execute all ſuch acts, matters and things, as to them ſhall or may appert to do.

IV. A

AND BE IT ENACTED, That until there ſhall be, under this act, an election of officers neceſ- the ends of the inſtitution, thoſe now acting, or who may be hereafter appointed to act un- exiſting regulations of the company, ſhall continue ſo to do, according to the proviſions ore made, and ſuch regulations ſhall, till lawfully altered, be deemed as valid and obligatory ade ſince the paſſage of this act. CHAP. XXXV. Officers to continue, &c.

CHAP. XXXVI.

CT for the benefit of Phœbe Martin and Priſcilla Martin. Lib. JG. No. 2. fol. 620. A te Act. Paſſed 20th of Jan. 1798.

CHAP. XXXVII.

ACT to allow further time for collecting the balances due Thomas O'Bryon, late ſheriff and collector of Queen-Anne's county, ceaſed. Lib. JG. No. 2. fol. 621.

HEREAS by an act of aſſembly, paſſed at November ſeſſion, ſeventeen hundred and ninety- ſix, Matthew Hawkins, James O'Bryon, David Lindſey, William Clayton, Edward Wright, ing Downes, Henry Pratt, Robert Waters and William Diamond, ſecurities of Thomas n, a former ſheriff of Queen-Anne's county, were authoriſed to collect, on or before the firſt January, ſeventeen hundred and ninety-eight, all balances due to the ſaid Thomas O'Bryon iff and collector of the ſaid county: And whereas it is repreſented to this general aſſembly, ing to the late arrival of the laws, and ſome differences with the adminiſtrator as to the right ſaid ſecurities to collect the fees due to the ſheriff in his own right for ſervices by him per- , they were unable to collect the aforeſaid balances; and the ſaid adminiſtrator, by his pe- to this legiſlature, having ſignified his conſent that the right of collecting the fees ſo due to d ſheriff for ſervices by him performed ſhould be given to the ſecurities, with a power to ap- e ſame in juſt and fair proportions to the diſcharge of debts due from him in his private and capacities; therefore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That Matthew Hawkins, James O'Bryon, or of James, David Lindſey, William Clayton, Edward Wright, John K. Downes, Henry Robert Waters and William Diamond, ſecurities of Thomas O'Bryon aforeſaid, or a majori- hem, or the ſurvivors of them, be and they are hereby authoriſed and empowered to collect, before the firſt day of January, ſeventeen hundred and ninety-nine, all balances owing as afore- the ſaid deceaſed ſheriff and collector for the years ſeventeen hundred and ninety-two, ſeven- undred and ninety-three, and ſeventeen hundred and ninety-four, in manner following, to wit: he aforeſaid ſecurities, or ſuch perſon or perſons as ſhall be deputed by them, or a majority of or the ſurvivors of them, in the collection aforeſaid, ſhall, at leaſt thirty days before execu- r diſtreſs of property for the arrearages aforeſaid, deliver to the perſon charged, or leave at her laſt place of abode, an account, ſtating the taxes and the amount of fees due to the ſtate e officers reſpectively, or ſuch part thereof as may be claimed as due, and the ſaid ſecurities, majority of them, or their agent, ſhall, if they be thereto required by the perſon ſo charged, oath, before a juſtice of the peace, that the ſaid account was taken fairly and truly from the or papers of the ſaid Thomas O'Bryon, and that it doth not appear from the ſaid books or pa- or by any memorandum of the ſaid Thomas O'Bryon, that any part or parcel of the charges ned in ſuch account hath been paid, or otherwiſe ſecured or ſatisfied; and if the perſon or s owing ſuch taxes and officers fees ſhall neglect or refuſe to pay the ſame, it ſhall and may be for the ſaid ſecurities, or a majority of them, or the ſurvivors of them, to collect the ſame by ion or diſtreſs of property of the perſon or perſons ſo refuſing or neglecting, and to ſell and e thereof, at public auction, at the expiration of ten days, excluſive of the day of ſeizure and ſale, on giving ten days notice, by advertiſement at the moſt public places of the neighbour- and at the court-houſe door of the county, of the day and hour of ſale. Securities to collect, &c.

AND BE IT ENACTED, That all the books, memorandums and entries, of the ſaid ſheriff and puties, in which his accounts as ſheriff and collector are ſtated and kept, ſhall be delivered by O'Bryon, junior, his adminiſtrator, to the ſaid ſecurities, or a majority of them, on demand, all be depoſited in the hands of John Caradine, or ſuch perſon as the ſecurities may direct, in e-Ville, to be freely inſpected and examined, without coſt or charges, by any perſon or perſons hall apply for that purpoſe, in order to aſcertain any payments that may have been made upon er or their account; and the ſaid James O'Bryon, junior, before he ſhall deliver the ſaid books, randums and entries, to the ſaid ſecurities, or a majority of them, ſhall make oath, before a Books, &c. to be delivered, &c.

CHAP. XXXVII.

juſtice of the peace of Queen-Anne's county, that he, the ſaid James O'Bryon, junior, as ſ
ſtrator of the ſaid Thomas O'Bryon, hath not, directly or indirectly, received any part or pa
the money or tobacco which was due and payable to the ſaid Thomas O'Bryon, as ſheriff a
lector of Queen-Anne's county, nor any ſecurity or ſatisfaction for the ſame, more than he h
dited in the ſaid books.

Commiſſion allowed.

IV. AND BE IT ENACTED, That the ſaid ſecurities, and the ſurvivors of them, ſhall ha
ſame commiſſion on the collection aforeſaid as the ſaid ſheriff would have been entitled to; an
all arrearages collected in virtue of this act ſhall be applied in the following manner, viz. A
due to the ſaid Thomas O'Bryon, in his own right, for ſervices by him performed in his pub
pacity, ſhall be applied, in equal proportions, to the diſcharge of debts due from him, both
private and public capacities; that portion ſubject to his private debts ſhall be paid into the ha
his adminiſtrator, and that portion ſubject to the debts due from him in his public capacity ſh
applied to the diſcharge of thoſe debts, in proportion to the ſums due to him for his ſervices in
year, and collected as aforeſaid; and all ſums of money or tobacco put into the ſaid Thomas O
on's hands for collection, agreeably to the laws of this ſtate, ſhall be fairly applied to the diſc
of the ſums due by the ſecurities for the reſpective years in which the ſaid arrearages ought
to have been collected.

Not to take away remedies, &c.

V. AND BE IT ENACTED, That nothing in this act contained ſhall be conſtrued to take aw
deprive the reſpective debtors for taxes, other public dues and officers fees, of the ſame rem
which they had againſt the original ſheriff and collector, in caſes where nothing is alleged to b
or the diſtreſs or execution is illegally conducted, but the ſame ſhall exiſt in full force and
againſt the ſaid ſecurities, and each of them.

CHAP. XXXVIII.

Paſſed 20th of Jan. 1798.

An ACT to ſecure the collection of the duties impoſed upon ma age licences Lib. JG. No. 2. fol. 623.

Clerks not to iſſue licences contrary to this act, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of
next, it ſhall not be lawful for the clerk of any county within this ſtate to iſſue any licen
marriage to any perſon or perſons whatſoever, except in the manner herein after directed by this
and if any clerk of any county ſhall, from and after the ſaid firſt day of May next, iſſue any li
of marriage contrary to the proviſions of this act, every ſuch clerk ſhall forfeit and pay the ſ
fifty dollars for every offence.

Licences to be printed, &c.

II. AND BE IT ENACTED, That with all convenient ſpeed after the paſſage of this act, the g
nor and council ſhall cauſe to be printed blank marriage licences, purſuant to the form already
ſcribed by law, and ſhall cauſe to be delivered a ſuitable number of the ſaid forms to the reſpe
treaſurers of the weſtern and eaſtern ſhores, before the ſaid firſt day of May next, and the clerks o
ſeveral counties ſhall, on or before the ſaid day, and on or before the ſame day in every year t
after, make application to the treaſurer of their reſpective ſhore for a ſufficient number of the
blank marriage licences, according to the quantity of licences which may be probably neceſſar
the uſe of their reſpective counties, agreeably to the average of the liſts returned to the trea
for the two preceding years, and thereupon the ſaid reſpective treaſurers ſhall forthwith deli
the ſeveral clerks of the ſaid counties the number of blank marriage licences which may be nece
according to the eſtimate aforeſaid, for the ſpace of one year, the ſaid treaſurer for each reſpe
ſhore firſt counterſigning the ſaid ſeveral blank licences with his proper name of office, and tak
receipt from each clerk for the number of licences ſo delivered; and from and after the ſaid firſt
of May next, the ſaid reſpective clerks ſhall grant to all and every perſon and perſons who ſha
ply for the ſame one of the ſaid licences, properly filled up and ſigned by them, and ſealed wit
ſeal of their reſpective offices.

Clerks to return a liſt, &c.

III. AND BE IT ENACTED, That the ſaid reſpective clerks ſhall, on or before the firſt d
May, in the year ſeventeen hundred and ninety-nine, and on or before the ſame day in every
thereafter, return to the treaſurer of their reſpective ſhore a liſt of all the marriage licences gra
by them during the preceding year; and each and every of the ſaid clerks ſhall forthwith pay to
ſaid treaſurer the ſum of twenty-five ſhillings current money for each and every licence which
have been before delivered to him in blank, unleſs the ſaid reſpective clerks ſhall entitle themſ
to an allowance, by producing ſuch of the ſaid blank licences as the ſaid clerks may not have gi
ed; and if any of the ſaid licences ſhall be returned in blank to the ſaid treaſurer, then the
reſpe

ve clerks ſhall only pay the ſum of twenty-five ſhillings for each and every of the ſaid blank as ſhall not be ſo returned on the ſettlement of their account as aforeſaid.

Penalty for neglecting to apply, &c.

AND BE IT ENACTED, That if any of the ſaid clerks ſhall not annually apply to the treaſurer r reſpective ſhore for blank marriage licences on or before the ſaid firſt day of May, in the directed by this act, every ſuch clerk, ſo neglecting or refuſing to apply, ſhall forfeit and pay of one hundred dollars for every offence.

And for not returning a liſt, &c.

ND BE IT ENACTED, That if any of the ſaid clerks, ſo having received blank marriage , as herein before directed, ſhall refuſe or neglect to return to the treaſurer of their ve ſhore, on or before the firſt day of May annually, a liſt of all the marriage licences grant- hem reſpectively during the preceding year, and account for and pay to the ſaid treaſurer the twenty-five ſhillings current money for each and every licence by them ſo granted, the ſaid er ſhall forthwith charge the clerk or clerks ſo neglecting or refuſing with the whole amount k licences which ſhall have been before delivered to ſuch clerk or clerks, at the ſaid rate of five ſhillings for every of the ſaid blank licences, and ſhall immediately thereafter proſecute t law againſt ſuch clerk or clerks for the ſame, in which it ſhall be ſufficient to declare for ſo oney had and received for the uſe of the ſtate, and the receipt of ſuch clerk ſhall be compe- idence to entitle the ſtate to a recovery, and a trial ſhall be had at the appearance term, he court ſhall be fully ſatisfied that the defendant ought in juſtice to have an imparlance.

Blank licences to be printed, &c.

AND BE IT ENACTED, That the governor and council ſhall, from time to time, cauſe blank e licences to be printed and delivered to the ſaid reſpective treaſurers, ſo as to keep them d with a ſufficient number for the uſe of the ſeveral counties of this ſtate in every year er.

Part of an act repealed, &c.

AND BE IT ENACTED, That from and after the ſaid firſt day of May next, ſo much of the entitled, An act concerning marriages, as directs a different mode of granting and account- marriage licences, be and the ſame is hereby repealed; provided nevertheleſs, that until the the reſpective clerks ſhall iſſue licences of marriage in the manner directed by the ſaid act, ll then account to the reſpective treaſurers for all licences by them granted before the ſaid d ſince their laſt returns.

(a) February, 1777, ch. 12.

CHAP. XXXIX.

Paſſed 20th of Jan. 1798.

ACT for the benefit of Nicholas Slubey, merchant, of the city Baltimore. Lib. JG. No. 2. fol. 626.

Preamble.

HEREAS it is repreſented to this general aſſembly, by the petition of Nicholas Slubey, of Baltimore county, that by a variety of loſſes and misfortunes in trade as a copartner with Smith, of Great-Britain, he has been rendered unable immediately wholly to ſatisfy the debts ch he is anſwerable; and that a part of his creditors are reſident in foreign countries, and ecome bankrupt, whereby aſſent to his releaſe cannot be obtained; and that others of his creditors have no known agents in the United States; and that from the peculiarity of his n, it would be attended with loſs and damage to his creditors, as well foreign as domeſtic, to the aſſent of foreign creditors, or their agents, to his releaſe; and the ſaid repreſentation ng to the legiſlature to be true,

Chancellor, on application, to direct notice, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That upon the application of the ſaid s Slubey to the chancellor, by petition in writing, offering to deliver up all his eſtate, in n, reverſion or remainder, for the benefit of his creditors, and annexing to the ſaid petition ule of his property and debts, the ſaid ſchedule comprehending diſtinct and ſeparate liſts of all perty and debts belonging to him in his own right, and of all property and debts belonging to artnerſhip, and a liſt of his creditors, ſo far as he can aſcertain the ſame, on oath, the chan- hall direct notice of ſuch application to be given, and publiſhed in ſuch manner as he ſhall xpedient, and appoint a certain day for the creditors of the ſaid Slubey to appear in the y court to recommend a truſtee or truſtees on their behalf, and on the appearance of the ſaid rs, or on their neglect to appear on notice as aforeſaid, the chancellor ſhall adminiſter to the icholas Slubey the following oath; "I, Nicholas Slubey, do ſwear, that I will deliver up, y and tranſfer, to my creditors, in ſuch manner as the chancellor ſhall direct, all my property I have or claim any title to, or intereſt in, at this time, and all debts, rights, claims and

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"credits, which I have, or am any way entitled to, in poſſeſſion, reverſion or remainder, as w
"my own right as in copartnerſhip with any other perſon or perſons, and that I have not, dis
"or indirectly, at any time, ſold, conveyed, leſſened or diſpoſed of, for the uſe or benefit of an
"ſon or perſons, or intruſted, any part of my money or other property aforeſaid, debts, righ
"claims, thereby to defraud my creditors, or any of them, or to ſecure the ſame to receive or e
"any profit, benefit or advantage thereby;" and in caſe of the neglect of the ſaid creditors t
pear and recommend a truſtee or truſtees, the chancellor ſhall appoint ſuch perſon or perſons
truſtee or truſtees as he ſhall think proper.

On executing a deed to be diſcharged, &c.

III. AND BE IT ENACTED, That upon the ſaid Nicholas Slubey executing and acknowledg
deed to the truſtee or truſtees to be appointed as aforeſaid, conveying all his property, real, pe
and mixed, and all debts, rights and claims, agreeably to the oath of the ſaid Slubey, and o
delivery of the poſſeſſion of the ſaid property, and his books, papers, and evidences of debts of
kind, and the ſaid truſtee or truſtees certifying the ſame, in writing, to the chancellor, the ch
lor ſhall thereupon order that the ſaid Nicholas Slubey ſhall be diſcharged from all debts, con
covenants, promiſes and agreements, due from, or owing or contracted, made or entered into b
before the date of the ſaid deed, either in copartnerſhip with any perſon, or by himſelf; pro
that ſuch diſcharge ſhall not operate ſo as to diſcharge any other perſon from any debt; an
vided alſo, that any property which the ſaid Nicholas Slubey ſhall thereafter acquire by deſcen
deviſe, or in courſe of diſtribution, ſhall be liable to the payment of his debts.

Truſtee to apply proceeds, &c.

IV. AND BE IT ENACTED, That the truſtee or truſtees of the ſaid Nicholas Slubey ſhall,
firſt place, apply the proceeds of the property held in his own right, which ſhall come to his o
hands, to the ſatisfaction and diſcharge of debts due to this ſtate, and the reſidue, after the diſc
of liens heretofore created thereon, amongſt his ſeveral creditors, in equal proportions to
reſpective debts; and the intereſt, ſhare or part, of the ſaid Nicholas Slubey, in any prope
debts held by or due to him in copartnerſhip with any other perſon or perſons, ſhall be appl
the firſt place to the ſatisfaction and diſcharge of ſuch copartnerſhip debts.

And give bond, &c.

V. AND BE IT ENACTED, That any truſtee or truſtees, to be appointed in virtue of thi
before he or they ſhall proceed to act as ſuch, ſhall give bond, with ſecurity to be approved
the chancellor, for the faithful execution of the truſt repoſed in him or them, and purſue,
reſpects, the directions of the chancellor in the performance of the ſaid truſt, in the ſame m
as is provided by the fourth, ſixth, tenth and thirteenth ſections of the act, entitled, An act f
relief of ſundry inſolvent debtors, paſſed at November ſeſſion, ſeventeen hundred and ninet
and the chancellor ſhall have and exerciſe, with reference to the ſaid Nicholas Slubey, a
ſingular the powers and authority veſted in him by the ſaid ſections with reference to the d
named in the ſaid act.

When fraud is alleged, debtor may be examined, &c.

VI. AND BE IT ENACTED, That if any of the creditors of the ſaid Nicholas Slubey ſhall,
application of the ſaid Slubey to the chancellor, or within two years thereafter, allege, in wr
that the ſaid Nicholas Slubey hath, directly or indirectly, ſold, conveyed, leſſened, or otherwi
poſed of, or purchaſed in truſt for himſelf or any other perſon or perſons, or intruſted or conc
any part of his property, debts or effects, with intent to injure or defraud his creditors, or a
them, or to expect, ſecure or receive any benefit or advantage therefrom, or ſecured to any cr
or creditors, within two years before the paſſage of this law, any illegal preference, the chan
at the election of ſuch creditor, may either examine the ſaid Nicholas Slubey on oath, on ſuch
gations, or direct an iſſue or iſſues in a ſummary way, and without the form of an action, for t
the truth of the ſame; and if upon the anſwer of the ſaid Nicholas Slubey, or the trial of ſuch
or iſſues, he ſhall be found guilty of any fraud or deceit of his creditors, or preference as afor
he ſhall for ever be precluded from any benefit of this act; and if the ſaid Nicholas Slubey ſha
any time thereafter, upon indictment, be convicted of wilfully, falſely and corruptly ſwearing t
matter or thing to which he ſhall ſwear by virtue of this act, he ſhall ſuffer as in caſe of wilfu
corrupt perjury.

If arreſted to be diſcharged, &c.

VII. AND BE IT ENACTED, That if the ſaid Nicholas Slubey ſhall be arreſted or impriſone
any proceſs ſued out on any judgment or decree obtained againſt him for any debt, damages or
due, contracted, owing, or growing due before the paſſing of this act, the court out of which
proceſs iſſued ſhall and may diſcharge the ſaid Nicholas Slubey on motion; and if the ſaid Nic
Slubey ſhall be ſued, arreſted or impriſoned, on any meſne proceſs, for the recovery of any de
damages contracted, owing, or growing due before the paſſing of this act, the court before

roceſs ſhall be returned ſhall and may diſcharge the ſaid Nicholas Slubey out of cuſtody on his n appearance being entered, without any ſpecial bail.

I. BE IT ENACTED, That the ſaid Nicholas Slubey ſhall not be entitled to the benefits of any proviſions of this act, unleſs at the time of preſenting his petition as aforeſaid he ſhall pro- o the chancellor the aſſent of two thirds in value of his creditors, who are citizens of this or of the United States, at the time of paſſing this act. Aſſent of creditors to be produced, &c.

CHAP. XL.

ACT to enable the corporation of the Roman catholic clergy- en to receive a conveyance, and hold certain lands, and for other urpoſes therein mentioned. Lib. JG. No. 2. fol. 628.

Paſſed 20th of Jan. 1798.

HEREAS William Deakins, junior, and John Threlkeld, did heretofore, to wit: On the twenty-third day of January, one thouſand ſeven hundred and eighty-nine, by a certain deed gain and ſale, make over and convey unto John Carroll, John Aſhton and Robert Molyneux, n lands in ſaid deed mentioned, lying and being in Montgomery county: And whereas at the f ſaid conveyance it was underſtood between the parties thereto, that the ſaid lands ſhould fur- ſite for the purpoſe of erecting a college, or ſeminary of learning, under the government and l of the Roman catholic clergy of this ſtate: And whereas in purſuance of ſuch intention the lergy have, from their funds, erected ſpacious buildings upon ſaid ground, and organized a ary of learning, highly beneficial to many of the citizens of this ſtate: And whereas to render tuation of the college more convenient and healthy to the ſtudents, the ſaid John Threlkeld y a certain deed of bargain and ſale, bearing date the fifteenth day of June, one thouſand hundred and ninety-ſix, make over unto the ſaid John Carroll, John Aſhton and Robert Moly- a certain other piece of ground adjoining that above mentioned: And whereas the ſaid John ll, John Aſhton and Robert Molyneux, in order to give perpetuity to ſaid inſtitution, have d this general aſſembly that they may be enabled to convey ſaid lands to the corporation of the n catholic clergymen, and their ſucceſſors, as a body politic: And whereas the prayer of ſaid on appears reaſonable, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid John Carroll, John Aſhton obert Molyneux, or the ſurvivors of them, be authoriſed and empowered to execute a deed of in the uſual form, to the ſaid corporation of the Roman catholic clergymen, and their ſucceſ- appointed under the act, (a) entitled, An act for ſecuring certain eſtates and property for the rt and uſes of miniſters of the Roman catholic religion; and that upon the execution of ſaid the ſaid corporation of the Roman catholic clergymen, and their ſucceſſors, ſhall be ſeized and ſed of ſaid ground, in as full and ample manner, and of the ſame eſtate, title and intereſt, in nd equity, as the ſaid John Carroll, John Aſhton and Robert Molyneux, now hold the ſame; he ſaid property, and the rents, iſſues and profits thereof, ſhall, from thenceforth, be under the control and management of the ſaid body politic, and their ſucceſſors, ſo as aforeſaid appointed. J. Carroll may execute a deed, &c.

(a) November, 1792, ch. 55.

I. AND BE IT ENACTED, *by the authority aforeſaid*, That the corporation of the Roman catholic ymen be authoriſed, in behalf of the college of George-town, to receive donations from per- charitably diſpoſed, ſufficient for the maintenance and education of thirty ſcholars, provided annual amount or product of ſuch donations do not exceed, in any one year, the ſum of four ſand dollars. Corporation to receive donations, &c.

. AND BE IT FURTHER ENACTED, That all donations ſo made ſhall be applied faithfully to the oſes for which alone they are allowed to be received, and not to any other uſes of the corpora- of the Roman catholic clergymen; for the aſcertainment of which, the corporation aforeſaid, n thereunto required by the general aſſembly, ſhall exhibit an account of all donations received hem for the maintenance and education of ſcholars, and of the uſes to which they are applied. How to be applied, &c.

CHAP. XLI.

Supplement to the act, * entitled, An act for erecting a bridge over Patowmack river. Lib. JG. No. 2. fol. 630.

* 1791, ch. 81.

HEREAS the directors of the George-town bridge company have ſet forth, by their petition to this general aſſembly, that it would promote the encouragement of agriculture and com- Preamble.

merce

CHAP. XLI.

merce to reduce the tolls for paſſing the bridge erected by them over the river Patowmack on w gons and carts, which however cannot be done without injury to ſaid company, unleſs they be al ed to increaſe the tolls on other articles; which appearing reaſonable,

Company to receive tolls, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the George-town bridge com be and they are hereby authoriſed and empowered to charge and receive tolls on all articles, et waggons and carts, paſſing the bridge erected by the ſaid company over the river Patowmack, exceeding the rate of ferriage for the like articles reſpectively at George-town; provided never leſs, that the toll on waggons and carts ſhall not exceed two thirds of the rate of ferriage at Geo town; and provided alſo, that this act, nor any matter or thing therein contained, ſhall take ef or be in force, until the aſſent of the ſtockholders in the ſaid bridge company ſhall be given, and ſame notified under the hands and ſeals of the directors for the time being to the governor and co cil, to be lodged among their proceedings.

CHAP. XLII.

Paſſed 20th of Jan. 1798.

An ACT to open a road from Pratt-ſtreet Extended, through t land of James Carroll, till it interſects the road to Elk-Rid Landing, and to ſhut up and ſtop all thoſe parts of the o Frederick and Garriſon roads therein mentioned. Lib. JG. No. fol. 631.

Commiſſioners appointed, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That William Hammond, Cornelius How and James Baker, or any two of them, be commiſſioners to lay off a road from Pratt-ſt Extended, acroſs the lands of James Carroll, at the expence of the ſaid James Carroll, to the r leading to Elk-Ridge Landing, thirty feet wide, and to return a plot of the ſame to Baltim county court, which ſhall for ever thereafter be deemed and taken to be a public road.

Old Frederick road to be ſtopped.

II. AND BE IT ENACTED, That when the road aforeſaid is laid out and opened, that then all t part of the old Frederick road near the city of Baltimore, on the lands of the Baltimore comp and James Carroll, which branches from the road leading from the city of Baltimore to Elk-Ri Landing, and afterwards unites with the Frederick turnpike road, about one hundred and eig perches weſtwardly of Gwinn's falls, be ſtopped and ſhut up, and hereafter not conſidered a public road.

Old Garriſon road to be ſhut up.

III. AND BE IT ENACTED, That all that part of the old Garriſon road running on the lan the ſaid James Carroll, to the ſouthward of the Frederick turnpike road, be and is alſo ſtopped ſhut up, and hereafter is not to be conſidered as a public road.

CHAP. XLIII.

An ACT for the ſpeedy recovery of monies levied or received ſheriffs and collectors. Lib. JG. No. 2. fol. 631.

Judgment may be entered againſt any ſheriff, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That in all and every caſe where the ſhe or collector of any county within this ſtate ſhall hereafter levy, and collect or receive, or oug to levy and collect, any ſum or ſums of money or tobacco for the uſe of any perſon or perſons wh ſoever, and ſhall refuſe or neglect to pay over the ſame to the perſon or perſons, or to the order the perſon or perſons, entitled or authoriſed to receive the ſame, by the time required by law, ſhall and may be lawful, and the ſeveral county courts or general court, as the caſe may be, a hereby required, upon motion made on behalf of the perſon or perſons entitled or authoriſed receive the money or tobacco levied and collected as aforeſaid, or which ought to be levied and co lected as aforeſaid, and on producing to the court before whom ſuch motion ſhall be made, a ſta account of the demand, ſupported by ſuch affidavit or voucher as the court ſhall reaſonably requ to order a judgment to be entered, and an immediate execution to iſſue thereon, againſt the per or property of ſuch ſheriff or collector, to levy and compel the payment of ſuch ſum of money tobacco ſo due and payable; provided, that a copy of the demand, and notice of ſuch intend motion, be delivered in writing to ſuch ſheriff or collector, or left at his laſt place of abode, for ſpace of twenty days previous to the ſitting of the court at which ſuch application ſhall be intend and that proof thereof be made to the ſatisfaction of the court; and provided alſo, that if ſ ſheriff or collector ſhall, in perſon or by attorney, controvert the demand, and deſire a jury to impannel

nelled to aſcertain the ſum of money really due and payable, the court ſhall direct a jury to be iately impannelled and charged to try and aſcertain an iſſue, whether the ſaid ſheriff or col- be chargeable with and liable to pay any and what ſum or ſums of money or tobacco to the or perſons ſo claiming and authoriſed to receive the ſame; and the court are hereby em- ed and required, upon ſuch verdict of the jury, to paſs judgment againſt the ſaid ſheriff or or, upon which there ſhall be no writ of error, ſuperſedeas, injunction or appeal, and to award ion thereon as upon all other caſes of judgment had in the ſaid courts.

And be it enacted, That if any deputy-ſheriff or deputy-collector, intruſted by his princi- levy and collect any ſum or ſums of money or tobacco due from the inhabitants of any diſtrict dred in which ſuch deputy ſhall be appointed to ſerve, ſhall neglect or refuſe to render and his accounts with his principal when thereto lawfully required, according to the terms of the ct ſubſiſting between them, it ſhall and may be lawful to and for the reſpective county courts, ey are hereby authoriſed and required, upon motion made to them in behalf of the principal or collector to whom ſuch deputy ſheriff or deputy-collector ſhall reſpectively be indebted, producing to ſuch court a ſtated account of his demand, ſupported by ſatisfactory proof, to judgment to be entered, and an immediate execution to be awarded thereon againſt the per- property of ſuch deputy-ſheriff or deputy-collector, to levy and compel the payment of ſuch ſums of money or tobacco as ſhall appear to be due and payable; provided, that a copy of ccount, and twenty days notice of ſuch intended application, be delivered in writing to ſuch -ſheriff or deputy-collector, as herein before directed; and provided alſo, that in caſe of con- ſy, and the demand of a trial thereof by a jury, ſuch proceedings ſhall be had as are herein provided, for the trial thereof at the ſame term, and judgment ſhall be rendered on the ver- nd an execution awarded, as aforeſaid; and no writ of error, ſuperſedeas, injunction or appeal, e allowed; and provided alſo, that nothing herein contained ſhall be conſtrued or deemed to e the parties of their proper remedy upon their contract, if they ſhall chooſe to proceed at equity upon the ſame. And againſt any deputy, &c.

CHAP. XLIV.

CT to alter, aboliſh and repeal, ſuch parts of the ſecond, third, fourteenth and forty-ſecond ions of the conſtitution and form of government, as relate to the judges, time, place and ner, of holding the ſeveral elections therein ſpecified. Lib. JG. No. 2. fol, 633. Paſſed 20th of Jan. 1798.

this act it was declared, that if it ſhould be confirmed by the general aſſembly, after the next election of delegates, in the ſſion after ſuch new election, as the conſtitution and form of government directed, that in ſuch caſe the ſaid act, and the ion of the ſaid conſtitution contained therein, ſhould be conſidered as a part, and ſhould conſtitute and be valid as a part, e ſaid conſtitution and form of government; this was not done.

CHAP. XLV.

ACT to open a road from Middle-town to New-town, Trap or reedom, in Frederick county. Lib. JG. No. 2. fol. 634.

HEREAS it is repreſented to this general aſſembly, by the petition of ſundry inhabitants of Frederick county, that they experience great inconvenience for want of a direct road from e-town to New-town, Trap or Freedom, and praying a law may paſs appointing commiſſioners n a road, at the expence of the county, on the moſt direct courſe from Middle-town to New- Trap or Freedom; and it appearing that the ſame would be of great public convenience, ore, Preamble.

Be it enacted, *by the General Aſſembly of Maryland*, That Joſeph Swearingen, Frederick ell and Elias Delaſhmutt, be and they are hereby appointed commiſſioners for that purpoſe, y two of them are hereby authoriſed to lay out and open, at the expence of Frederick county, not exceeding twenty-five feet wide, from Middle-town to New-town, Trap or Freedom, in unty, in the moſt convenient direction they may think proper; and the ſaid road, when ſo laid d completed, ſhall be recorded among the records of ſaid county, and be thereafter deemed ken to be a public road, and ſhall be kept in repair as other public roads in ſaid county are di- to be kept. Commiſſioners appointed, &c.

And be it enacted, That the commiſſioners aforeſaid ſhall and they are hereby directed to to any juſtice of the peace for the county aforeſaid, who ſhall iſſue his warrant, under hand al, directed to any conſtable of the ſaid county, commanding him to ſummon twelve freeholders reſted as to the lands, and not connected with any perſon through whoſe lands the ſaid road ſs, to appear at a place and on a day by him to be appointed, and after taking the following oath, Damages to be aſcertained, &c.

CHAP. XLV.

oath, or affirmation, as the caſe may be, to wit: "I, A. B. do ſwear, or ſolemnly, ſincerely and "declare and affirm, that I will honeſtly and faithfully eſtimate and value the damage and injur "tained by C. D. by opening a road through the land of the ſaid C. D. in purſuance of the "tions of this act," ſhall proceed to aſcertain and value what damages may be ſuſtained by an ſon or perſons through whoſe land the ſaid road may paſs, by opening and clearing the ſame ſhall return the damages by him aſſeſſed to the clerk of the ſaid county, and the damages ſo a ſhall be concluſive; and after the valuation ſo made, the ſaid commiſſioners ſhall proceed to ope clear the ſame; provided that the ſaid road ſhall not paſs through any houſes, gardens, orcha meadows, unleſs with the conſent of the owner thereof.

And laid before court, &c.

IV. AND BE IT ENACTED, That the clerk of the ſaid county, at their next levy court follo ſhall lay the damages ſo aſſeſſed before the ſaid court, and the juſtices of the ſaid court ſhall upon the aſſeſſable property of the ſaid county the damages ſo adjudged to be ſuſtained by the pe through whoſe lands the road as aforeſaid ſhall paſs, and which ſum, when collected, ſhall be p the perſon or perſons ſuſtaining ſuch damages by the collector of ſaid county.

CHAP. XLVI.

Paſſed 20th of Jan. 1798.

An ACT to authoriſe the iſſuing of a patent to Jacob Haynes, of Waſhington county. Lib No. 2. fol. 635. A Private Act.

CHAP. XLVII.

An ACT to prevent hogs from going at large in the town of W minſter, in Frederick county. Lib. JG. No. 2. fol. 636.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that ſundry perſons do raiſe and great numbers of hogs, and ſuffer them to remain at large, in ſaid town, to the great of the inhabitants thereof; therefore,

No perſon to raiſe hogs, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the paſſing act, it ſhall not be lawful for any perſon or perſons whatſoever to raiſe or keep any hogs withi town, or within one half mile from the centre thereof, except in encloſures, or to ſuffer any h go and remain at large therein; and if any hogs ſhall be found going and remaining at large ſaid town, it ſhall and may be lawful for any perſon or perſons to kill or impound the ſame, impounded, ſuch perſons ſhall immediately give notice, by advertiſements ſet up in the moſt places in ſaid town, deſcribing the hogs ſo impounded, and if the owner or owners ſhall not, five days thereafter, prove his or her property therein, and make compenſation for the injury, which may have been ſuſtained by any inhabitant of the ſaid town, to be aſcertained by any tw intereſted perſons, inhabitants as aforeſaid, and ſhall not pay for every ſuch hog the ſum of tw lings and ſix-pence for every day it ſhall have been ſo impounded, it may be lawful for the per perſons, ſo impounding as aforeſaid, to ſell or kill the ſame for his or her benefit.

General iſſue pleadable, &c.

III. AND BE IT ENACTED, That if any perſon or perſons ſhall be ſued and impleaded for k deſtroying and ſelling, any ſuch hog as aforeſaid, the defendant or defendants may plead the g iſſue, and give this act and the ſpecial matter in evidence.

CHAP. XLVIII.

An ACT to appoint a truſtee in the place of John Cradock, of Baltimore county, who is Lib. JG. No. 2. fol. 637. A Private Act.

CHAP. XLIX.

An ACT to lay a tax on Cæcil county to complete the public bu ings of ſaid county. Lib. JG. No. 2. fol. 638.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the commiſſioners for erecting the lic buildings in Cæcil county, that they have advanced in completing ſaid buildings money than has been reimburſed by ſaid county; therefore,

Money to be levied, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of ſaid cou and they are hereby empowered and directed to levy and aſſeſs, at their next ſeſſion, on the aſ property of ſaid county, ſuch ſum of money as ſhall appear to ſaid court to be due to the ſaid miſſioners, and alſo the commiſſion for the collection of the ſame, provided that the ſame do ceed four hundred dollars.

CH

CHAP. L.

ACT to make a temporary allowance to the judges of the general court, in addition to their permanent salaries. Lib. JG. No. 2. fol. 639.

Passed 20th of Jan. 1798.

BE IT ENACTED, *by the General Assembly of Maryland*, That the chief judge of the general court shall be entitled to receive four hundred dollars, and the other two judges shall each be entitled to five hundred and sixty-six dollars and two thirds of a dollar, in addition to the several permanent salaries secured to them by law. Additional allowance.

AND BE IT ENACTED, That the several sums aforesaid shall be paid to the respective judges quarterly at the same time, and in the same manner, during the continuance of this act, as their permanent salaries are by law directed to be paid. When to be paid.

This act to continue and be in force till the twentieth of October, eighteen hundred, and to the end of the next session of assembly that shall happen thereafter. Duration.

CHAP. LI.

ACT to continue certain acts relative to the high court of chancery. Lib. JG. No. 2. fol. 639.

BE IT ENACTED, *by the General Assembly of Maryland*, That an act, entitled, An act for the amendment of the law, passed at November session, seventeen hundred and seventy-three, * and an act entitled, An act for enlarging the powers of the high court of chancery, passed at November session, seventeen hundred and eighty-five, † and the several supplementary acts to the said act for enlarging the powers of the high court of chancery, be and they are hereby continued, and they shall remain in force for and during the term of seven years, and until the end of the session which shall take place after the expiration of the said term; provided, that nothing in any of the said acts contained, contrary to any subsequent act or law, shall be construed to have any force or opera- Several acts continued.

* Chapter 7.

† Chapter 72.

AND BE IT ENACTED, That the several taxes and duties for seals and services in the said office in the land-office, imposed and required to be paid by an act, entitled, An act for establishing and securing the salary of the chancellor, passed at November session, seventeen hundred and seventy-two, * shall continue to be exacted and paid during the term aforesaid, and until the end of the session which shall thereafter first take place; and that every part of the act last mentioned, relating to the said taxes and duties, shall continue and remain in force during the time aforesaid. Taxes to continue, &c.

* Chapter 76.

CHAP. LII.

ACT to incorporate the German evangelical reformed church in the city of Baltimore. Lib. JG. No. 2. fol. 640.

WHEREAS the German evangelical reformed church in the city of Baltimore, by their petition to this general assembly, have prayed that they may be incorporated, with powers adequate to the regulation of their temporal concerns, and with authority to take, hold and possess property sufficient for the support of their minister, for the repairing and keeping in repair their church, building and keeping in repair a school-house, and for other secular matters appertaining to their congregation: Be it therefore, Preamble.

ENACTED, *by the General Assembly of Maryland*, That William Otterbine, (the present minister) Peter Hoffman, Philip Bier and Christian Mattheuit, (the present elders,) John Shultz, Christian Bender and Thomas Cronemiller, (the present trustees,) with all the present members, and such as that hereafter may become members of the said congregation, shall be, and they are hereby declared to be, one body politic and corporate, by the name and style of The Elders, Trustees and Members, of the German Evangelical Reformed Church in the City of Baltimore, and by that name and style shall have perpetual succession, and shall be capable in law to sue and be sued, to plead and be impleaded, in any court of law or equity within this state, or elsewhere, and to make, change and alter at pleasure, a common seal, and shall be able and capable hereafter to purchase, receive, have and enjoy, any estate or donation, real, personal or mixed, not exceeding six thousand dollars. Persons incorporated, &c.

CHAP. LII.

Members to meet, &c.

III. AND BE IT ENACTED, That the male members of the ſaid church, of the full age of one years, may and ſhall meet on the firſt Monday of January next, or within ten days the and on the firſt Monday of January, or within ten days thereafter, in every year after the p this act, at their church, or at ſuch other place within the city of Baltimore as may be ap by the elders and truſtees for the time being, notice thereof being given by the preſident Sunday preceding the day of ſuch meeting, and may and ſhall then and there elect, by ballot, the moſt pious and diſcreet members of the ſaid church, to ſerve as elders for one year, a another election is made in virtue of this act, as alſo to elect four other diſcreet members body as truſtees, to ſerve for one year, and until another election ſhall be made in virtue of

Perſons to be elders, &c.

IV. AND BE IT ENACTED, That the perſons ſo elected as aforeſaid elders and truſtees, and they are hereby declared to be, the elders and truſtees of the ſaid church.

Members to be nominated, &c.

V. AND BE IT ENACTED, That in all caſes where an elder or elders, truſtee or truſte are to be appointed in virtue of this act, the preſident, elders and truſtees for the time bein at leaſt eight days before the day of ſuch election, nominate, from the moſt pious and diſcre bers of the ſaid church, double the number of the elder or elders, truſtee or truſtees, appointed.

Preſident, &c. to meet, &c.

VI. AND BE IT ENACTED, That the preſident for the time being, and the elders and now appointed, or their ſucceſſors, who may hereafter be elected, or a majority of them, m together from time to time, and as often as they ſhall judge neceſſary, to tranſact, manage a late, the buſineſs of the church, and to make ſuch rules and by-laws as they may judge nece the good conduct and government of the members, and management of their temporal co provided always, that ſuch rules and by-laws be not contrary to the conſtitution and this ſtate.

Not to purchaſe property, &c.

VII. AND BE IT ENACTED, That the ſaid body corporate ſhall not be able or capable chaſing any property, real or perſonal, unleſs with the conſent and approbation of three fo their whole number.

Lands, &c. veſted, &c.

VIII. AND BE IT ENACTED, That all the lands and tenements, with their appertenanc veſted in the miniſter, or any other perſon for the uſe of the ſaid church, and all other pro the ſaid church, ſhall be and are hereby abſolutely and unconditionally veſted in the ſaid b porate, and their ſucceſſors, for ever; and the ſaid corporation, with the conſent and app of three fourths of their whole number, ſhall be, and are hereby declared to be, able and c bargaining and ſelling, leaſing and conveying, any part of the ſaid property, or any other that may hereafter be acquired by the ſaid corporation, in as full and effectual a manner as ſon or body politic may or can do.

Miniſter to be preſident, &c.

IX. AND BE IT ENACTED, That at all meetings of the ſaid elders and truſtees, the mi the time being ſhall be the preſident; and all acts or deeds of the corporation ſhall be ſigne preſident, and ſealed with the corporate ſeal; and all deeds for the conveyance of any lan corporation, which by the law of the land ought to be acknowledged and recorded, ſhall be ſi ſealed as aforeſaid, and alſo acknowledged by the preſident, in behalf of the corporatio ſame manner and form as is preſcribed in the caſe of individual grantors; and all acts and the ſaid corporation, ſo authenticated, ſhall be valid and effectual in law.

If abſent, another to be appointed.

X. AND BE IT ENACTED, That in caſe of the abſence, removal or death, of the mini elders and truſtees for the time being may appoint one of their own body preſident *pro tempo* during ſuch abſence, or in the caſe of removal or death until the appointment of another ſhall have all the authority and privileges of a preſident.

How vacancies are to be filled.

XI. AND BE IT ENACTED, That in caſe of the death, reſignation or diſqualification, of or truſtee, the body corporate ſhall, without delay, proceed to the election of another perſ place, whereof due notice ſhall be given by the preſident to the members of the corporation.

Preſident to nominate.

XII. AND BE IT ENACTED, That at a reaſonable time before each and every election, t dent ſhall nominate and appoint three perſons to be the judges thereof.

C

CHAP. LIII.

pplement to the act * reſpecting certificates of ſurveys made on eaſtern ſhore. Lib. JG. No. 2. fol. 642.

Paſſed 20th of Jan. 1798.
* 1795, ch. 61.

IEREAS it is found that the fees allowed by law to the examiner of the eaſtern ſhore are incompetent to his ſupport, and policy and juſtice require that the officers of the ſtate ſhould an adequate compenſation for the dedication of their labour and talents to the public ſervice,

Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the examiner of the eaſtern ſhore, d after the paſſage of this act, ſhall account every ſix months, on oath, with the treaſurer of ern ſhore, for all fees of his office by him received, or which may be due to him; and that treaſurer, upon a liquidation of the ſaid account, ſhall pay to the ſaid examiner, out of any priated money, ſuch ſum as, together with the ſaid account of fees, ſhall make up a ſemi-ſalary of one hundred pounds current money.

Examiner to account, &c.

This act to continue and be in force until the twentieth day of October, one thouſand eight , and to the end of the next ſeſſion of aſſembly that ſhall happen thereafter.

Duration.

798, ch. 114, the fees of the examiners on both ſhores were increaſed fifty *per cent.* and that act was continued by 1799, to 30th October, 1805, &c.

CHAP. LIV.

pplement to the act, * entitled, An act to erect Baltimore-town, Baltimore county, into a city, and to incorporate the inhabitants ereof. Lib. JG. No. 2. fol. 643.

* 1796, ch. 68.

T ENACTED, *by the General Aſſembly of Maryland*, That the next election for members of the t branch of the city council ſhall be held on the third Monday in January, ſeventeen hun- ninety-eight, and that the election next thereafter ſhall be held on the firſt Monday of in the ſame year, and that every ſucceeding election for members of the firſt branch of the ncil ſhall be held on the firſt Monday in October in each and every year for ever thereafter; next election for electors of the mayor, and of the members of the ſecond branch of the ncil, ſhall be held on the firſt Monday in October, in the year ſeventeen hundred and ninety- nd every ſucceeding election for electors of the mayor, and of the members of the ſecond of the city council, ſhall be held on the firſt Monday in October in every ſecond year there- nd that the ſaid electors of the mayor, and of the members of the ſecond branch of the city ſhall meet on the firſt Monday in November, in the year ſeventeen hundred and ninety- nd on the firſt Monday in November in every ſecond year thereafter, for the purpoſe of a mayor and members of the ſecond branch of the city council, any thing in the original hich this is a ſupplement to the contrary notwithſtanding.

When elections are to be held, &c.

ND BE IT ENACTED, That the corporation aforeſaid ſhall have full power and authority to nd paſs all ordinances neceſſary for paving and keeping in repair the ſtreets, lanes and alleys, ity aforeſaid; to make and keep in repair all neceſſary drains and ſewers, as well in the city ncts; to tax any particular part or diſtrict of the city for paving the ſtreets, lanes or alleys , or for ſinking wells, or erecting pumps, which may appear for the benefit of ſuch particular diſtrict; to eſtabliſh and regulate gaugers, and their fees, and the fees of all the corporation ; to licenſe and regulate brokers, ſedan chairs, hackney coaches, or other carriages kept for nd employed within the city, and alſo draymen, waggoners, carters, porters and watermen, and employed within the ſaid city, with powers to make all neceſſary regulations reſpecting e; to direct in future in what parts of the city buildings of wood ſhall not be erected; to nd provide magazines for the ſtorage of all gunpowder brought to the city, or precincts, and el the ſame to be ſtored in ſaid magazines, and to regulate the price of ſaid ſtorage; to pre- e ſtorage of naval ſtores, or other combuſtible matter, in ſuch quantities or places within the precincts, as may be deemed dangerous to the ſafety of the ſame; to erect or build houſes ection, hoſpitals or peſt-houſes, within or without the city, if neceſſary, and to paſs all ordi- for the government of the ſame; to make a new aſſeſſment of all real and perſonal property as it may be neceſſary; to puniſh corporally any ſervant or ſlave guilty of a breach of any ce, unleſs the maſter or miſtreſs pay the fine annexed to the offence; to prevent the making cks or canals without the conſent of the corporation; and to add to the city any of the ad- lands, on the application, and with the conſent, of the owners, and to lay off the neceſſary

Corporation may paſs ordinances, &c.

CHAP. LIV.

ſtreets, lanes and alleys, through the ſame, giving them the rights and privileges, and ſub them to the laws and ordinances of the city.

Act declared perpetual.

III. AND BE IT ENACTED, That an act of aſſembly, entitled, An act to erect Baltimore-tow Baltimore county, into a city, and to incorporate the inhabitants thereof, paſſed at November ſeſſ ſeventeen hundred and ninety-ſix, * with this ſupplement, ſhall be, and are hereby enacted a clared to be, perpetual, except where altered by this act; and that all acts and ordinances paſſ to be paſſed, by and under the authority of the ſame, are hereby enacted and declared to b and valid, to all intents and purpoſes whatſoever.

* Chapter 68.

CHAP. LV.

Paſſed 20th of Jan. 1798.

An ACT for the adjournment of Baltimore county court. Lib. JG. No. 2. fol. 644.

CHAP. LVI.

* 1789, ch. 23.

A Supplement to the act, * entitled, An act to incorporate Geo town, in Montgomery county. Lib. JG. No. 2. fol. 645.

Preamble.

WHEREAS the citizens of George-town have, by their petition to this general aſſembl forth, that they ſuſtain many inconveniencies from the want of proper powers in ſaid ration to paſs laws to reſtrain the miſchiefs ariſing from vagrants, looſe and diſorderly perſons negroes, and perſons having no viſible means of ſupport, and for the want of other powers f due government of the affairs of the ſaid town; therefore,

Mayor, &c. to paſs laws, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the mayor, recorder, alderme common council, of George-town, be and they are hereby authoriſed and empowered to paſs, and ordain, all laws neceſſary to take up, fine, impriſon or puniſh, any and all vagrants, loo diſorderly perſons, and perſons having no viſible means of ſupport, that may be found with limits or juriſdiction of ſaid town; provided, that they ſhall not in any caſe paſs, make or or any law to fine for any one offence a ſum exceeding twenty dollars, or impriſonment not exc thirty days.

Certain perſons may be ſold, &c.

III. AND BE IT ENACTED, That if any perſon or perſons be committed to gaol in virtue o act, and ſhall not, at the expiration of the time for which he is committed, pay to the ſheri amount of his fine and priſon fees, or give ſecurity for the ſame, it ſhall and may be lawful f ſheriff, with the conſent of the mayor in writing, to ſell ſuch perſon or perſons as a ſervant fo time not exceeding four months, ſuch time to be expreſſed in writing by the mayor in giving hi ſent as aforeſaid.

Part of an act repealed, &c.

IV. AND BE IT ENACTED, That ſo much of the ſecond ſection of the act to which this is plement as continues the authorities and powers of the common council during good behavio repealed, and that the ſaid common council ſhall, for ever hereafter, be elected to ſerve fo years only; and an election for a new common council ſhall be held, in the manner preſcribed b ſaid original act, on the firſt Monday of February, in the year ſeventeen hundred and ninety- and on the firſt Monday of February in every year thereafter.

Mayor to be elected, &c.

V. AND BE IT ENACTED, That the recorder, aldermen and common council, may hereafter the mayor of ſaid town from their citizens at large, and ſhall be under no other reſtriction, e that they ſhall be confined to a citizen of George-town, and the ſame perſon may be re-elected ten as the ſaid aldermen and common council may judge it expedient.

Mayor, &c. may make laws, &c.

VI. AND BE IT ENACTED, That the ſaid mayor, recorder, aldermen and common council, have full power and authority to make ſuch by-laws and ordinances for the graduation and leve of the ſtreets, lanes and alleys, within the juriſdiction of the ſame town, as they may judge n ſary for the benefit thereof.

Erect wharfs, &c.

VII. AND BE IT ENACTED, That the ſaid mayor, recorder, aldermen and common council, have full power and authority to erect wharfs on all ſtreets, lanes and alleys, in ſaid town, fo uſe of the ſaid town; provided however, that no buildings ſhall be permitted to be erected on of the ſaid wharfs, or any of them.

VIII.

I. AND, whereas the ſaid corporation claim a right to certain grounds within the limits of ſaid and doubts have ariſen with reſpect to the powers of the ſaid corporation to bring ejectments e ſame; therefore, BE IT ENACTED, That the ſaid mayor, recorder, aldermen and common Bring ejectments, &c. l, in their corporate capacity, ſhall be and are hereby authoriſed and empowered to bring an ent or ejectments for all ſuch real eſtate as they can make a legal title to, and to recover the or the uſe of the ſaid town.

AND BE IT ENACTED, That to defray the expences of ſaid corporation, the ſaid mayor, re- And impoſe money, &c. , aldermen and common council, ſhall have full power and authority, by ordinance or by-law for that purpoſe, to impoſe any ſum of money, not exceeding one dollar in any one year, on hundred pounds of property within the ſaid town, and out of the revenues ariſing from ſuch on to allow the ſaid mayor ſuch annual ſalary as ſhall appear to them juſt and proper.

CHAP. LVII.

ACT to alter and repeal thoſe parts of the conſtitution and form f government that make the commiſſioners of Baltimore-town dges of the elections for delegates and for elector of the ſenate. ib. JG. No. 2. fol. 647.

Paſſed 20th of Jan. 1798.

IT ENACTED, *by the General Aſſembly of Maryland*, That the mayor and ſecond branch of the Mayor, &c. to be judges, &c. ity council of the city of Baltimore, or any three or more of them, for the time being, ſhall ges of the elections for delegates of the city of Baltimore, and for elector of the ſenate, and ave and exerciſe all the rights and authorities reſpecting ſuch elections which were veſted in mmiſſioners of Baltimore-town in virtue of the conſtitution and form of government.

AND BE IT ENACTED, That all ſuch parts of the conſtitution and form of government as make Parts of the conſtitution repealed. mmiſſioners of Baltimore-town judges of the elections for delegates, and for elector of the , be and the ſame are hereby repealed.

AND BE IT ENACTED, That this act ſhall commence and be in force, if it ſhall be publiſhed Commencement. t three months before the next election of delegates, and ſhall be confirmed by the general aſ- , in their firſt ſeſſion after ſuch new election.

This act was confirmed by 1798, ch. 2; but ſee 1798, ch. 115, confirmed by 1799, ch. 48; and ſee alſo 1799, ch. 50.

CHAP. LVIII.

ACT to incorporate the preſbyterian church in the city of Baltimore. Lib. JG. No. 2. fol. 647.

HEREAS application hath been made to this general aſſembly for an act of incorporation, in Preamble. behalf of the preſbyterian church in the city of Baltimore, which may enable them to manage convenience their temporal concerns,

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the preſent committee of the ſaid Committee incorporated, &c. h, conſiſting of the following perſons, viz. William Smith, Robert Purviance, James Calhoun, Stewart, Robert Gilmor, Samuel Smith, William Patterſon, Chriſtopher Johnſon, George n, John Swan, William Robb and James A. Buchanan, and their ſucceſſors, to be elected as n after mentioned, with their miniſter for the time being, ſhall be, and hereby are created and red to be, a body politic and corporate, by the name, ſtyle and title, of The Committee of the yterian Church in the City of Baltimore, and by the ſame name ſhall have perpetual ſucceſſion, hall be able to ſue and be ſued, implead and be impleaded, in any court of law or equity in this or elſewhere, and to make and have a common ſeal, and the ſame to break, alter or renew, at pleaſure, and alſo to ordain and eſtabliſh ſuch by-laws and ordinances as ſhall appear neceſſary egulating the temporal concerns of the ſaid church, and for promoting literature within the not being repugnant to this act or the laws of this ſtate.

. AND BE IT ENACTED, That the ſucceſſors of the preſent committee of the ſaid church ſhall How to be elected, &c. ected in the manner following, viz. The members of the ſaid church, being twenty-one years of holding a pew or part of a pew therein, and not being in arrears more than ſix months for the may and ſhall meet, at ſuch place as may be appointed by the ſaid corporation, on the firſt Monday

CHAP. LVIII.

Monday of May, in the year eighteen hundred and one, or on any other Monday of the ſame m and they may and ſhall continue to meet in like manner on the firſt Monday of May every third or on any other Monday of the ſame month, whereof due notice ſhall be always given by the dent of the ſaid corporation for the time being in the forenoon of the Sunday preceding the ſuch meeting, at the place where public worſhip is uſually held, and then and there they, or ſo as may attend, ſhall elect, *viva voce*, twelve members of the ſaid church.

How vacancies are to be filled.

IV. AND BE IT ENACTED, That in caſe of the death or reſignation of any lay member of ſaid body corporate, the remaining members, or a majority of them, ſhall have full power authority, at their next or any ſubſequent meeting, to elect another perſon in his place.

Lands, &c. veſted, &c.

V. AND BE IT ENACTED, That all the lands and tenements, with their appertenances, now ed in truſtees for the uſe of the ſaid church, and all other property of the ſaid church, ſhall be are hereby abſolutely and unconditionally veſted in the ſaid body corporate, and their ſucceſſors, ever; and the ſaid corporation, with the conſent and approbation of nine members thereof, and they are hereby declared to be capable of bargaining and ſelling, leaſing and conveying part of the ſaid property, or any other property which may hereafter be acquired by the ſaid ration, in as full and effectual a manner as any perſon or body corporate may or can do.

Miniſter to be preſident, &c.

VI. AND BE IT ENACTED, That at all meetings of the ſaid corporation the miniſter for the being ſhall be the preſident, and in caſe of the abſence, removal or death, of the miniſter, the members of the corporation may appoint one of their own body preſident *pro tempore*, who, during ſuch abſence, or in the caſe of removal or death until the appointment of another miniſter, have all the authority and privileges of a preſident.

And ſhall nominate perſons, &c.

VII. AND BE IT ENACTED, That the preſident ſhall nominate and appoint three perſons to be judges of each and every election that ſhall or may be held for the electing of the lay members of ſaid corporation, and that ſuch nomination and appointment ſhall be made a reaſonable time before each election.

Acts, &c. to be ſigned, &c.

VIII. AND BE IT ENACTED, That all acts or deeds of the ſaid corporation ſhall be ſigned by preſident, in behalf of the corporation, and ſealed with their corporate ſeal; and all deeds by them for the conveyance of any lands and tenements of the corporation, which by the law of the land ought to be acknowledged and recorded, ſhall be ſigned and ſealed as aforeſaid, and ſhall alſo be acknowledged in due form by the preſident, as ſuch, in behalf of the corporation; and all acts or deeds of the ſaid body corporate, ſo authenticated, ſhall be valid and effectual in law.

Corporation may purchaſe property, &c.

IX. AND BE IT ENACTED, That the ſaid corporation ſhall be capable of purchaſing hereafter and perſonal property, not exceeding in value the ſum of ſix thouſand dollars current money of the United States.

CHAP. LIX.

Paſſed 20th of Jan. 1798.

An ACT to alter the mode of collecting the county tax in Cecil county. Lib. JG. No. 2. fol. 649.

County to be laid off, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy court in and for Cæcil county ſhall, at their next levy court, and annually thereafter, provided they ſhall be of opinion that it will be for the benefit of ſaid county, be authoriſed and empowered, and they are hereby authoriſed and empowered, to lay off ſaid county into any number of diſtricts not exceeding five, and then and there appoint fit and proper perſons as and for collectors for ſaid county; that is to ſay, one collector for each diſtrict, who ſhall have been reſident in the ſaid county for one year before the ſaid appointments; provided that no diviſion of the ſaid county, or appointment of a collector or collectors as aforeſaid, ſhall at any time be made, unleſs a majority of the juſtices of ſaid county ſhall be preſent at the time of making ſuch diviſion and appointment.

Collector to have notice, &c.

II. AND BE IT ENACTED, That each perſon who ſhall be appointed collector as aforeſaid ſhall have notice of his appointment as ſoon as conveniently may be by the juſtices of the ſaid levy court, and ſhall, within ten days thereafter, appear before the juſtices aforeſaid, on a day by the ſaid juſtices to be appointed, and then enter into bond before ſaid juſtices, with two ſufficient ſecurities, which ſaid principal and ſecurities ſhall each be ſeized in fee-ſimple of a clear real eſtate to the full value of the whole amount put into the hands of ſaid principal for collection; which ſaid bond ſhall be taken in double the ſum to be collected by the ſaid collector in his reſpective diſtrict, with condition to

CHAP. LIX.

ect with the condition of bonds entered into by the collectors of the ſeveral counties of this which ſaid bond ſhall be witneſſed by any three of the ſaid juſtices, and by them forthwith be in the clerk's office of ſaid county, to be there recorded.

Bonds to be a lien.

AND BE IT ENACTED, That the ſaid bonds, when executed as aforeſaid, ſhall be a lien on al eſtates of the ſeveral collectors from the ſealing and delivery thereof.

Collector to have power, &c.

AND BE IT ENACTED, That each collector appointed as aforeſaid, after having given bond reſaid, ſhall have the ſame power in his diſtrict as is by the laws of this ſtate given to collec- their reſpective counties, and ſhall be entitled to a commiſſion, not exceeding ſix *per cent.* on nount of the collection put into his hands, and ſhall proceed to complete and ſettle his collec- n the ſame manner, and within the ſame time, and under like penalties, with the collectors of veral counties.

Duration.

AND BE IT ENACTED, That this act ſhall continue and be in force for the term of three years, the end of the next ſeſſion of aſſembly which ſhall happen thereafter.

CHAP. LX.

Paſſed 20th of Jan. 1798.

ACT for the benefit of certain foreigners who emigrated and ettled in this ſtate before the act for naturalization. Lib. JG. No. 2. fol. 650.

Preamble.

HEREAS doubts are entertained whether foreigners, who emigrated to this ſtate previouſly to the ſeſſion of aſſembly begun and held at the city of Annapolis on Thurſday the twenty- d day of July, in the year one thouſand ſeven hundred and ſeventy-nine, at which the act, (a) ed, An act for naturalization, was paſſed, are entitled to the benefits of the ſaid act: And eas it is juſt and reaſonable that foreigners, who emigrated to this ſtate during our revolution, ave always manifeſted an attachment to our government and laws, and hazarded the important in common with the citizens of this ſtate, and the deſcendants of ſuch foreigners, ſhould be cted in the property acquired by them by their laudable induſtry, and in confidence of the pro- n of our laws; therefore,

(a) July, 1779, ch. 6.

Certain foreigners declared citizens, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That all foreigners, who emigrated and d within the limits of Maryland before the ſaid twenty-ſecond day of July, in the year one and ſeven hundred and ſeventy-nine, and who have continued and remained inhabitants of this and the deſcendants of ſuch foreigners, ſhall be deemed, conſtrued and taken to have been, they are hereby declared to have been, and to be, reſpectively, citizens of this ſtate, and to been, and to be, entitled to all and ſingular the immunities, privileges, rights and advantages, tural born citizens, to all intents and purpoſes whatſoever, as if the ſaid foreigners, and their ndants, had been and were reſpectively natives of this ſtate; and all property, real, perſonal mixed, acquired or transferred by, from, through or under the ſaid foreigners, or their deſcend- and all and every perſon or perſons whatſoever claiming by, from or under them, by gift, grant, haſe, deſcent or otherwiſe, ſhall be held, poſſeſſed, enjoyed and transferred, in like manner as e ſaid foreigners, and their deſcendants, had reſpectively been, at the ſeveral times of acquiring ansferring ſuch property, natural born citizens of this ſtate.

CHAP. LXI.

* Chapter 4.

upplement to an act, * entitled, An act for the benefit of Sarah Hickley, Mary Anne Hickley, obert Hickley, Thomas Hickley and Samuel Hickley. Lib. JG. No. 2. fol. 651. A Private Act.

CHAP. LXII.

ACT to relinquiſh the right of this ſtate to the land therein mentioned. Lib. JG. No. 2. l. 652. A Private Act.

CHAP. LXIII.

ACT relating to the public roads in Talbot county. Lib. JG. No. 2. fol. 653.

Preamble.

HEREAS the preſent modes of repairing the public roads in Talbot county are found by ex- perience to be expenſive, and inadequate to the purpoſes intended, and are unequal in their ation; and it has been found neceſſary that proper regulations ſhould forthwith be made for ing the roads of the ſaid county in due repair; therefore,

II. BE

CHAP. LXIII.

Juſtices to meet, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the peace for county aforeſaid, or a majority of them, be and they are hereby authoriſed and required to meet gether on the firſt Monday of April next, and on the ſame day in every year thereafter, at court-houſe in the ſaid county, and when ſo met together, the ſaid juſtices, or a majority of ſhall be and they are hereby authoriſed and required to deſcribe, aſcertain, and diſtinctly record well bound book to be provided by them for that purpoſe, the ſeveral and reſpective roads and highways in Talbot county, and to nominate and appoint capable and judicious perſons as overſ of the ſeveral and reſpective roads as aforeſaid, according to the number and diviſions of the roads, as the ſame ſhall be aſcertained upon their records; provided nevertheleſs, that the ſaid ſhall be ſo apportioned, divided and deſcribed, as not to require a greater number of overſeers five in any one hundred of the ſaid county; and that the ſaid juſtices, or a majority of them, adjourn from day to day until the ſaid roads ſhall be duly aſcertained, and overſeers appoint aforeſaid.

Clerk to attend, &c.

III. AND BE IT ENACTED, That the clerk of the ſaid county ſhall attend the juſtices of peace, at their ſaid meetings, and ſhall make fair entries and records of their proceedings in v of this act, and ſhall, within the ſpace of ten days after the appointment of overſeers as afore iſſue warrants to the ſaid overſeers, under his hand, and the ſeal of his office, notifying the ſaid ſons of their appointments reſpectively, as overſeers of the ſaid roads, according to the uſual fo having reſpect to the alterations required by this act; and the ſaid clerk ſhall, within the time a ſaid, deliver the ſaid warrants to the ſheriff of Talbot county aforeſaid, and ſhall take the recei the ſaid ſheriff for the ſame; and the ſaid ſheriff ſhall be and he is hereby authoriſed and requ within the ſpace of twenty days after receiving the ſaid warrants, to deliver the ſame to the reſpe perſons appointed overſeers as aforeſaid, and to take their ſeveral receipts for the ſame; and if of the ſaid overſeers ſhall refuſe to receive their reſpective warrants, the ſaid ſheriff ſhall leave ſame at their place of abode, and certify the juſtices of the levy court thereof; and if the clerk ſheriff of the ſaid county ſhall neglect or refuſe to execute and perform the reſpective duties he before required, within the reſpective periods limitted as aforeſaid, the ſaid clerk or ſheriff neglecting or refuſing, ſhall forfeit and pay the ſum of fifty dollars for each and every offence.

Penalty on overſeers for refuſing to ſerve, &c.

IV. AND BE IT ENACTED, That each and every perſon, ſo appointed overſeer as aforeſaid, ſhall neglect or refuſe to accept of his appointment, after receiving his warrant as aforeſaid, forfeit and pay the ſum of ten dollars for every refuſal or neglect; provided nevertheleſs, that member of the legiſlature, nor magiſtrate, nor preacher, nor teacher, nor practiſing attorney, phyſician, nor commiſſioner of the tax, ſhall be liable to ſerve as overſeers of the ſaid roads, with his or their conſent; and provided alſo, that no perſon ſhall be compellable to act as overſeer of road for more than one year in every three years, without his conſent.

Overſeers to keep the roads cleared, &c.

V. AND BE IT ENACTED, That it ſhall be the duty of the ſaid overſeers to keep all the pub roads in the ſaid county well and ſufficiently cleared and grubbed, fit for travelling, twenty f wide at the leaſt, and to make and keep good and ſubſtantial bridges over all the heads of riv creeks, branches and ſwamps, where the ſame ſhall be neceſſary, for the convenient and eaſy paſ of travellers, with their waggons, carts, carriages, horſes and cattle, and to remove all nuiſan which may obſtruct or annoy their paſſage, and well and ſufficiently to cauſeway all and ſingular ſu places in and upon the ſaid roads as ſhall require the ſame, at the diſcretion and by the direction the ſaid juſtices; and for this purpoſe the ſaid juſtices, or ſome one or more of them, in th reſpective neighbourhoods, ſhall be and they are hereby authoriſed and required, from time to ti to ſuperintend the making and repairing of the ſaid roads, bridges and cauſeways, and to direct a adviſe the overſeers thereof in the execution of this act.

Penalty for neglect, &c.

VI. AND BE IT ENACTED, That if any of the ſaid overſeers ſhall not well and ſufficiently cle grub, amend and repair, the ſaid ſeveral and reſpective roads committed to their charge, within reaſonable time after the ſame ſhall be out of repair, or ſhall not make and keep in repair good a ſubſtantial bridges over the heads of rivers, creeks, branches or ſwamps, where the ſame ſhall neceſſary as aforeſaid, or ſhall not remove all nuiſances from the ſaid roads, or ſhall not well a ſufficiently cauſeway all and ſingular ſuch places in and upon the ſaid roads as ſhall require the ſa or ſhall permit or ſuffer any fallen trees, or other obſtruction, to remain in or acroſs any of the ſa public roads for the ſpace of two days after notice thereof, or ſhall neglect to fell, or cauſe to felled and removed, all decayed or dead trees on either ſide of the ſaid public roads, whoſe limbs any of them hang over the ſame, and may by their falling injure travellers, or ſhall not lop and c off all limbs or branches of trees hanging or projecting over the ſaid roads, within fifteen feet abo

ce thereof, or ſhall in any other manner fail or neglect to perform the duties of an overſeer id roads, according to the directions of this act, every ſuch overſeer, ſo failing or neglect- l forfeit and pay the ſum of five dollars for every offence, except in the time of wheat harveſt.

They may dig and remove ſtones, &c.

AND BE IT ENACTED, That it ſhall and may be lawful for the ſeveral and reſpective over- the ſaid roads, and they are hereby authoriſed and empowered, as often as need ſhall re- o dig, take and remove, any ſtones, gravel, or earth of firm quality, which may be found on d adjoining the roads for which the ſame may be neceſſary, and to employ the ſame in the g of the ſaid roads; and for the making or repairing of bridges over the heads of rivers, branches, ſwamps, or other low and miry places, through and over which the ſaid roads may cut down, or cauſe to be cut down, any tree or tees growing on any of the next adjacent ſuch places where bridges may be neceſſary as aforeſaid, and the ſame trees to maul and way from off ſuch lands, and to apply the ſame to the making or repairing of the ſaid bridges; d always, that no encloſures ſhall be laid open or entered into to obtain the ſeveral materials d, or any of them, without the conſent of the owner or owners thereof; and provided alſo, fore any tree or trees ſhall be cut down for the purpoſes aforeſaid, notice thereof ſhall be o the owner, tenant or overſeer, and due compenſation made or ſecured to him or them by nty, according to the full value thereof, in ſuch manner as the juſtices of the levy court ſhall nd appoint.

Call on all free male inhabitants, &c.

AND BE IT ENACTED, That the ſaid overſeers ſhall have full power, and they are hereby ſed and required, to call upon all and ſingular the free male inhabitants of their reſpective bove the age of twenty-one years, and upon all and ſingular the male ſlaves reſiding therein he age of ſixteen years, to labour and aſſiſt in clearing, amending, improving and repairing, eral and reſpective roads aforeſaid, and to require ſuch and ſo many of the ſaid perſons as all from time to time deem neceſſary, to aſſemble at ſuch place within their reſpective limits, aid overſeers ſhall ſeverally appoint, with ſufficient implements of labour, and thereupon to in the execution of ſuch work and labour upon the ſaid roads, for the improvement and re- ereof, as the reſpective overſeers ſhall order and direct; and the ſaid overſeers ſhall alſo have to hire and employ carts and teams for the carrying and removing all ſuch ſtones, dirt, gravel ber, as may be deemed requiſite for repairing and completing the ſaid roads and bridges, and ence of ſuch carts and teams ſhall be levied upon the county.

Take a liſt of names, &c.

AND BE IT ENACTED, That within one month after the receipt of their reſpective warrants, eral overſeers aforeſaid, under the directions of the ſaid juſtices, ſhall repair to the houſe of enant or proprietor reſiding within the limits attached to their reſpective roads, and ſhall own a proper liſt of the names of all and ſingular the free male inhabitants reſiding therein the age of twenty-one years, and of all the male ſlaves above the age of ſixteen years; and d overſeers ſhall juſtly and impartially call for and require the labour of all and ſingular the s aforeſaid, alternately, and in ſuch convenient numbers and claſſes as to place the burthen of ervice equally upon all; provided nevertheleſs, that the labour of the ſaid perſons ſhall not ed forth for the purpoſes of this act during the ſeaſon of harveſt, nor in ſuch manner as to ore than half the number of labourers belonging to one family at the ſame time.

Summon the claſs arranged, &c.

AND BE IT ENACTED, That as often as the ſaid overſeers ſhall judge it neceſſary to call upon d inhabitants for their labour in and upon the ſaid roads, they ſhall ſummon, or cauſe to be ned, the number and claſs which they ſhall have previouſly arranged, having had regard to antity and quality of work neceſſary to be done upon the ſaid roads, giving each perſon, and ſter, miſtreſs or overſeer of each ſervant or ſlave, ſo to be ſummoned, two days notice at the f the time and place appointed for their labour, except in ſuch extraordinary caſes which may e a ſhorter notice, and every perſon ſo ſummoned ſhall be obliged to attend in perſon, or to e a ſufficient ſubſtitute; and if any perſon, being ſo ſummoned, ſhall neglect or refuſe to , or to provide a ſufficient ſubſtitute, he ſhall forfeit and pay the ſum of one dollar for every e; and if any perſon ſhall attend, and not perform the reaſonable labour required of him by erſeer of the road, according to his ability, he ſhall be adjudged a defaulter, and ſhall incur me penalty as if he had neglected to attend; and in caſe the maſter, miſtreſs or overſeer, of rvant or ſlave, upon being notified as aforeſaid, ſhall refuſe or neglect to ſend ſuch ſervant or or upon ſending, ſuch ſervant or ſlave ſhall refuſe to perform his reaſonable labour as aforeſaid, maſter, miſtreſs or overſeer, ſhall forfeit and pay the ſum of one dollar for every ſervant or o refuſed to be ſent, or when ſent refuſing to work as aforeſaid.

CHAP. LXIII.

And keep a list of all defaulters, &c.

XI. AND BE IT ENACTED, That it shall be the duty of the said overseers to keep a true ... per list of all and every person or defaulter, who, being summoned as aforesaid, shall neglect ... fuse to attend at the times and places appointed as aforesaid, or if attending, shall not perf... reasonable labour, and of every master, mistress or overseer of servants and slaves, who sha... the penalty aforesaid; and the said overseers of roads shall, once in every three months, ca... each and every of the said persons, and demand the payment of all and singular the sums of ... by them, or any of them, so forfeited, and on refusal or neglect to pay the same, the said ov... shall proceed to recover the same before a single magistrate, by due course of law; and the sai... seers shall, every six months, render their accounts of all fines and forfeitures received by ... virtue of this act to the justices of the levy court, upon oath, or affirmation, and pay the ... thereof in such manner as the said justices shall order and appoint.

How vacancies are to be filled.

XII. AND BE IT ENACTED, That if any of the overseers so to be appointed shall refuse ... remove, become disqualified, or die, it shall and may be lawful for any two of the neighbouri... tices to supply every vacancy so happening, by the appointment of another person, and the... certify every such appointment, under their hands, to the clerk of the county, who shall rec... same, and within five days thereafter shall issue a warrant to the person so appointed, and deli... same to the sheriff, to be served upon the party as herein before directed.

Overseer's allowance, &c.

XIII. AND BE IT ENACTED, That every overseer so to be appointed by virtue of this a... respectively be allowed a sum, not exceeding ten dollars by the year, for summoning, directi... superintending, the labourers employed upon the said roads, which allowance shall be paid ... by the justices of the levy court out of the fines and forfeitures imposed and levied by this a... if found to be insufficient for this purpose at the expiration of every year, the deficiency shall ... sessed and levied upon the county in the same manner as other public charges.

Justice may issue warrant in certain cases, &c.

XIV. AND BE IT ENACTED, That any of the justices of the peace of the said county, who ... his own view, or on the information, oath or affirmation, of one or more credible witnesses ... discover or be satisfied that any bridge, road or causeway, is out of repair, from the neglect o... of the overseer within whose limits the same shall be, except in time of wheat harvest, shall is... warrant, in the name of the state, against such overseer, and if judgment shall be rendered ... him for the fine or forfeiture imposed by this act, the same shall be certified by the justice ren... the same to the clerk of the said county, who shall thereupon issue process of execution, direc... the sheriff, for the recovery thereof, and the same shall be accounted for and paid to the order ... levy court; provided nevertheless, that nothing herein contained shall prevent any of the said ... seers offending against the provisions of this act from being presented by the grand jury for n... glect of duty not before punished by any of the justices of the peace as aforesaid.

Road may be turned, &c.

XV. AND, whereas it may be proper and necessary to vest a competent power in the justices ... levy court to turn, alter, streighten or lay out roads in the county aforesaid, where the propr... of the lands through which the roads which may be intended to be so turned or altered may pa... willing and capable of consenting to applications of this nature; therefore, BE IT ENACTED, ... upon the application in writing from all the proprietors of the lands through which any public ... may pass, or be prayed to pass, petitioning for the turning, altering, streightening or laying ... public road, it shall and may be lawful for the justices of the said levy court, upon being sa... that the granting of such petition will be of public convenience, and they are hereby authorise... empowered, to direct the surveyor of the said county to lay out such road, agreeably to the p... of such petition, or in such other manner as they shall think most expedient, not exceeding tw... feet in breadth, without the consent of the said proprietors, and to make return of such loc... with all convenient speed; and after such road shall be surveyed and laid out agreeably to the ... tions of this act, the said court shall direct the application for such road, and the order and ... ceedings thereupon, and the return of the surveyor, to be enrolled among their records, and ... upon and thereafter such road shall be deemed and considered to be a public road, and shall be ... up and repaired as other public roads in the said county; provided nevertheless, that no old roa... to be affected by this act, shall be stopped up until the new road shall be viewed, examined an... ceived, by two justices of the peace, to be appointed by the said court; and provided also, that ... new road shall be laid out, made and completed, at the proper expence of the parties applyi... the same; and provided further, that no such application shall affect the lands of infants, pr... *non compotes mentis*, or persons beyond the limits of this state, until the said disabilities shall ... moved.

XVI.

CHAP. LXIII. Penalty on altering, &c. any road, &c.

AND BE IT ENACTED, That if any perſon or perſons ſhall alter or change, or in any manruct or encroach upon, any of the ſaid roads, or any part or parts thereof, or cut down, deinjure, any of the ſaid bridges, cauſeways, boundaries, marks or directions therein or thereout the licence of the juſtices of the levy court obtained as aforeſaid, every ſuch perſon or being thereof convicted in the county court, ſhall forfeit and pay a fine, in the diſcretion of rt, not exceeding the ſum of one hundred dollars, according to the nature and degree of the

Acts repealed.

I. AND BE IT ENACTED, That from and after the ſaid firſt Monday in April next, all and ct and acts of aſſembly, and every clauſe and ſection thereof, which may reſpect the public Talbot county, be and the ſame are hereby repealed; provided nevertheleſs, that nothing contained ſhall be conſtrued or taken to affect any private act or acts of aſſembly granted upon lication of any particular individual, or the act of aſſembly paſſed at October ſeſſion, in the e thouſand ſeven hundred and fifty-three, * entitled, An act for repairing the public roads province, or any act or acts of aſſembly for the building or repairing of any bridge or bridges built or maintained at the public or county charge.

* Chapter 16.

CHAP. LXIV.

Paſſed 20th of Jan. 1798. * 1796, ch. 45.

ACT ſupplemental to the act, * entitled, An act permitting the oprietors of lots binding on the water at the weſt end of the ba- in Baltimore-town to extend and improve the ſame. Lib. JG. o. 2. fol. 659.

Preamble.

HEREAS by an act of aſſembly, entitled, An act permitting the proprietors of lots binding on the water at the weſt end of the baſon in Baltimore-town to extend and improve the ſame, amongſt other things, enacted, that Charles-ſtreet, in Baltimore aforeſaid, ſhould be opened tended from Cambden-ſtreet to Barré-ſtreet, but by the ſaid act no perſons were appointed to and open the ſame, and no proviſion was made to indemnify perſons holding lots on the ſaid or any damages ſuſtained by reaſon of the opening and extending the ſame; therefore,

Street to be laid out, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the city commiſſioners of the city imore ſhall be and they are hereby appointed and authoriſed to lay out and open the ſaid s-ſtreet, from Cambden-ſtreet to Barré-ſtreet, of ſuch width and in ſuch direction as to them em right and proper; and the ſaid ſtreet, when ſo laid out and opened, and the valuation and ent herein after directed to be made ſhall have taken place, ſhall be deemed and taken, and is declared to be, a public ſtreet and highway for ever thereafter; and the ſaid commiſſioners eby directed to return a plot, aſcertaining the extent and limits of the ſaid ſtreet, when ſo ed and opened, to the regiſter of the city of Baltimore, who ſhall receive and file the ſame as the plot of the ſaid city.

Sheriff to ſummon freeholders, &c.

AND BE IT ENACTED, That the ſheriff of Baltimore county, after having given at leaſt ten otice in one of the news-papers of the city of Baltimore, ſhall, at any time before the firſt April next, ſummon twelve freeholders, inhabitants of the ſaid city, not intereſted in the es, who, being firſt ſworn to aſſeſs and value what damages ſhall be ſuſtained by any perſon or s whomſoever by reaſon of opening and extending the aforeſaid ſtreet, (taking all benefits and eniencies into conſideration,) ſhall proceed to aſſeſs and value what damages may be ſuſtained perſon or perſons whomſoever by opening and extending the ſaid ſtreet, and ſhall alſo declare ſum of money each individual benefitted thereby ſhall reſpectively contribute and pay towards nſating the perſon or perſons injured by opening and extending the ſaid ſtreet; and the names perſon or perſons, and the ſums of money which they ſhall reſpectively be obliged to pay, e returned, under their hands and ſeals, to the regiſter aforeſaid of the ſaid city, to be filed pt in his office; and the perſon or perſons benefitted by opening the ſaid ſtreet, and aſſeſſed as aid, ſhall reſpectively pay the ſum or ſums of money ſo charged and aſſeſſed to them, with t thereon, at the rate of ſix *per centum* from the time limitted for the payment thereof.

Sums aſſeſſed to be a lien, &c.

AND BE IT ENACTED, That the ſums of money aſſeſſed and charged to each individual ted by extending and opening the aforeſaid ſtreet, ſhall be a lien upon and bind all the property efitted thereby to the full amount thereof.

CHAP. LXIV.

Perſons injured may ſue, &c.

V. AND BE IT ENACTED, That in caſe the perſon or perſons injured by opening and exte the aforeſaid ſtreet ſhall not be paid the damages by him or them reſpectively ſuſtained, and a and charged as aforeſaid, within ſix months after the ſame ſhall be aſcertained and aſſeſſed as ſaid, he, ſhe or they, ſhall and may inſtitute ſuits in Baltimore county court for the recovery ſame, in which it ſhall be ſufficient to declare for money had and received, and this act, a proceedings under the ſame, ſhall be evidence to all intent and purpoſe whatſoever to ſuppor action or actions inſtituted as aforeſaid.

And proceed to trial the firſt court, &c.

VI. AND BE IT ENACTED, That in caſe any ſuit ſhall be inſtituted as aforeſaid, for the rec of any ſum or ſums of money in virtue of this act, if the perſon or perſons inſtituting the ſam file a ſhort note, expreſſing the ground of ſuch action, at leaſt twenty days next before the firſt the court, and cauſe a copy thereof to be ſerved on the defendant, or left at his laſt place of the parties ſhall proceed to trial at the firſt court to which the writ ſhall be returnable, and parlance or appeal ſhall be allowed.

Obſtructions may be removed, &c.

VII. AND BE IT ENACTED, That in caſe the obſtructions in the ſaid ſtreet are not re within twenty days after the money charged and aſſeſſed as aforeſaid is paid, or tendered paid, the city commiſſioners aforeſaid are hereby authoriſed and directed to remove the ſame w delay, and to charge the expence of ſuch removal to the owners or proprietors thereof.

CHAP. LXV.

Paſſed 20th of Jan. 1798.

An ACT to lay out and eſtabliſh a turnpike road from the cit Baltimore through Frederick-town, in Frederick county, to E beth-town and William's Port, in Waſhington county. Lib. No. 2. fol. 661.

A ſubſcription to be opened, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That a ſubſcription be opened for a c of five hundred thouſand dollars, in ſhares of one hundred dollars each, and that Luke Te Peter Hoffman, ſenior, and Hezekiah Claggett, be and they are hereby appointed managers for ſubſcriptions for three thouſand ſhares at the city of Baltimore; and that Philip Thomas, Murdock and William Murdock Beall, be and they are hereby appointed managers for takin ſcriptions for one thouſand ſhares at Frederick-town, in Frederick county; and that Rezin Nathaniel Rocheſter and Elie Williams, be and they are hereby appointed managers for takin ſcriptions for one thouſand ſhares at Elizabeth-town, in Waſhington county; and that the ſa ſcriptions ſhall be opened on the ſecond Monday in March next, of which ſix weeks previo ſucceſſive notice ſhall be given in the city of Baltimore, Frederick-town, Elizabeth-town, and Annapolis news-papers; at which reſpective times and places one or more of the ſaid ma ſhall attend, and the ſubſcription books ſhall be continued open until the capital aforeſaid ſubſcribed, and on the completion thereof, a juſt and true liſt of all the ſubſcribers, with the ſubſcribed by each, ſhall be made out and returned by the ſaid managers under their hands, clerks of Baltimore, Frederick and Waſhington county courts, who are hereby ſeverally auth and directed to record the ſame among the land records of their reſpective counties, and an a copy of ſuch records, and ſeal of their office, or either of them, ſhall in all caſes be ſuf evidence of ſuch ſubſcription.

A meeting may be called, &c.

II. AND BE IT ENACTED, That as ſoon as three thouſand ſhares ſhall be ſubſcribed, the p hereby empowered to take in ſubſcriptions, or a majority of them, may call a meeting of th ſcribers, at the city of Baltimore, after not leſs than ſix ſucceſſive weeks notice in the city of more, Frederick-town, Elizabeth-town, Eaſton and Annapolis news-papers; and the ſubſc aſſembled in conſequence of ſuch notice ſhall chooſe, by ballot, from among the ſubſcribers, by jority of the votes of ſuch as ſhall be preſent, in perſon or by proxy, twelve directors for the t one year thereafter, and on the ſame day annually, for ever thereafter, a like election ſhall be and in caſe of refuſal, death, reſignation, diſqualification, or removal out of the ſtate, of any dir the remaining directors, at their meeting thereafter, ſhall elect, by ballot, another perſon qualif aforeſaid in his place, for the reſidue of the year; the directors, or any ſeven of them, ſhall, firſt meeting after every general election, elect, by a majority of the members preſent, by from among the ſtockholders, a preſident, who ſhall, whether a director or not, be thereupo titled to all the powers and privileges of one, and if he was before a director, another di ſhall be elected as aforeſaid, ſo as to keep up the number of directors preſcribed by this act, ex of the preſident; and in caſe of refuſal, death, reſignation, diſqualification, or removal out

f the preſident, the directors ſhall meet, as ſoon as conveniently can be thereafter, and elect perſon for preſident in the manner before directed.

Stockholders incorporated, &c.

AND BE IT ENACTED, That the ſtockholders in the ſaid company ſhall be and they are here- rporated, and conſtituted a body politic, by the name of The Preſident, Directors and Com- f the Elizabeth Turnpike Road, and by the ſame name ſhall have ſucceſſion during the con- e of this incorporation; and the ſaid ſtockholders, and their ſucceſſors, by the name aforeſaid, e and be ſued, anſwer and be anſwered, in any court of law or equity in this ſtate, or elſe- and may do and execute every other matter and thing by the name aforeſaid that they are ſed to do in virtue of this act, and ſhall have power to make a ſeal, and alter, or break and the ſame, according to their will and pleaſure.

Directors to receive ſubſcriptions, &c.

AND BE IT ENACTED, That after the ſaid directors ſhall be appointed, they ſhall have full nd authority to receive ſubſcriptions for all unſubſcribed or vacant ſhares, and thereupon the heretofore veſted in the managers for taking in ſubſcriptions ſhall ceaſe; and that there be a g of the directors quarterly, for the purpoſe of regulating the affairs of the corporation, any f whom to make a board, and that the board have power to adjourn from time to time; and ſident, or any three of the directors, may call a ſpecial meeting at any other time they may eceſſary.

Preſident, &c. may enter on lands, &c.

AND BE IT ENACTED, That it ſhall and may be lawful to and for the ſaid preſident and direc- heir ſuperintendents, ſurveyors, engineers, artiſts and chain-bearers, to enter into and upon every the lands, tenements and encloſures, in, through and over which the ſaid intended e road may be thought proper to paſs, and to examine the ground moſt proper for the purpoſe, e quarries and beds of ſtone and gravel, and other materials, in the vicinity, that will be neceſ- making and conſtructing the ſaid road, and to ſurvey, lay down, aſcertain, mark and fix ſuch track for the ſame, as, in the beſt of their judgment and ſkill, will combine ſhortneſs of diſ- with the moſt practicable ground, from the city of Baltimore through Frederick-town, in Fre- county, and from Frederick-town to Booneſborough, in Waſhington county, and after paſſing n Booneſborough, then to branch at ſuch convenient place as the preſident and directors may xpedient, one branch thereof to lead to William's Port, the other to Elizabeth-town, in the unty; provided that the ſaid road ſhall not be carried through any buildings, garden or yard, t the conſent of the owner and poſſeſſor thereof.

Courſes, &c. to be returned, &c.

AND BE IT ENACTED, That the ſaid preſident and directors, after they ſhall have laid out rked the ſaid road, are hereby directed to return the courſes, bounds and plots thereof, to the f Baltimore county court, and duplicates thereof to the clerks of Frederick, Waſhington and Arundel county courts, to be by them recorded at the expence of the ſaid body corporate; at the ſaid road, ſo laid out and returned as aforeſaid, ſhall be for ever thereafter taken, held judged, a public road and common highway.

Preſident, &c. may agree, &c

AND BE IT ENACTED, That the ſaid preſident and directors, and their ſucceſſors, or a y of them aſſembled, ſhall have full power and authority, from time to time, to agree with and any perſon or perſons on behalf of the ſaid company to grub, clear, ſtone and make, ſaid road x feet in breadth, in the manner hereafter directed, and to do all other things for the completion road in the manner required by this act; and that the preſident and directors may eſtabliſh nd regulations for conducting the buſineſs of the corporation, and appoint the various officers ourers, and pay all expences, which they may find neceſſary.

Sums ſubſcribed to be paid, &c.

AND BE IT ENACTED, That the ſums ſo ſubſcribed before the ſaid directors ſhall be appoint- foreſaid, ſhall be paid to the directors as follows, to wit: One fourth thereof at the end of nth after the election of the directors, one fourth at the end of one year after the election of ectors, one fourth at the end of eighteen months after the election of the directors, and the at the end of two years after the election of the directors; and that all ſubſcriptions which e ſo made, after the election of ſuch directors, ſhall be paid in ſuch manner, and in ſuch pro- ns, as the ſaid directors ſhall, from time to time, order and direct; provided nevertheleſs, that ectors for the time being may, in their diſcretion, ſuſpend, or totally releaſe, the payments part of the ſaid ſubſcriptions made before or after the election of directors, as they may find ent; and if any ſubſcriber ſhall fail in making payment as aforeſaid, within ſixty days after e limitted therefor, he ſhall be liable to forfeit, if the poſſeſſor of one ſhare, the ſaid ſhare ſo bed, as alſo all monies paid on account thereof; if the ſubſcriber ſo failing ſhall be the holder

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of more than one ſhare, he ſhall be entitled to retain and hold as many ſhares as the ſums of m by him advanced will pay for, the remaining ſhares, as alſo the ſurplus of money advanced, if ſ ficient to pay for an additional ſhare, ſhall be liable to forfeiture, if the preſident and dir ſhall chooſe to declare the ſame forfeited, and in ſuch caſe it ſhall and may be lawful for th preſident and directors to ſell and diſpoſe of ſuch forfeited ſhares, for the uſe and benefit of th corporation; and if any of the ſubſcribers or proprietors, after any payment ſhall have be ordered and advertiſed as aforeſaid, ſhall refuſe or neglect to make ſuch payment within the limitted, and the ſaid preſident and directors ſhall elect, inſtead of the forfeiture aforeſaid, to pr againſt ſuch ſubſcriber or proprietor, in order to compel ſuch payment, it ſhall and may be law the ſaid preſident and directors, in the name of the ſaid corporation, to proſecute an action a againſt ſuch perſon, either in the general court, or county court in the county where ſuch ſhall reſide, and if a copy of the declaration in ſuch caſe be ſerved with the writ, ten days the court to which ſuch writ ſhall be returnable, the ſaid court ſhall proceed to trial and jud at the firſt term; and any purchaſer or purchaſers of any forfeited ſhares ſhall, in caſe o compliance with his or their contract, or failure to make any future payments that may accru ſuch purchaſed ſhare after the time of ſuch purchaſe, be liable, in the election of the ſaid pre and directors, to forfeiture, or to ſuch ſummary proceedings as aforeſaid, in the ſame manner original ſubſcriber or proprietor.

A road to be laid out, &c.

IX. AND BE IT ENACTED, That the ſaid company ſhall cauſe the ſaid road to be laid out fi feet wide, twenty-one feet whereof in breadth, at leaſt, ſhall be made artificial road, which ſh bedded with wood, ſtone, gravel, or any other hard ſubſtance, well compacted together, a ſuf depth to ſecure a ſolid foundation to the ſame; and the ſaid road ſhall be faced with gravel, o pounded, or other ſmall hard ſubſtance, in ſuch manner as to ſecure a firm, and, as near as th terials will admit, an even ſurface; and the ſaid road ſhall be made ſo nearly level in its progr that it ſhall in no place riſe or fall more than will form an angle of four degrees with an hori line, except in its paſſage over the South Mountain, over which the ſaid road ſhall be made ſo level in its progreſs, as that it ſhall in no place upon ſaid mountain riſe or fall more than will an angle of ſix degrees with an horizontal line, and ſhall for ever thereafter maintain and ke ſame in good and perfect order and repair.

Preſident, &c. may agree for ſatisfaction, &c.

X. AND BE IT ENACTED, That if the proprietors of the lands through which the ſaid roa paſs, and which ſhall be condemned by the ſaid preſident and directors as aforeſaid, ſhall ap the preſident and directors for any ſatisfaction, the ſaid preſident and directors, or a majo them, may agree with the owner or owners of ſaid land, for the purchaſe thereof, and in diſagreement, or in caſe the owner ſhall be a *feme-covert*, under age, or *non compos*, or out ſtate or county, on application to any one juſtice of the county in which ſaid lands may be, th juſtice ſhall iſſue his warrant, under his hand, to the ſheriff of his county, commiſſioning him t mon twelve freeholders, inhabitants of the ſaid county, not related to the ſaid owner, nor manner intereſted, to meet on the land to be valued, at a day to be expreſſed in the warrant, of five days notice ſhall be given by the ſheriff to the owner of the ſaid land, or left at his laſt of abode, or given to his or her guardian, if an infant, or if out of the ſtate or county, by publ notice thereof not leſs than ſix weeks ſucceſſively in one of the Baltimore papers; and the on receiving ſaid warrant, ſhall then ſummon the ſaid jury, and when met, ſhall adminiſter an oa affirmation, to every juryman, who ſhall ſwear, or affirm, as his caſe may require, that he will faithfully, impartially and honeſtly, value the lands, and all damages, if any, the owner there ſuſtain by the road paſſing through the ſame, having true regard to all circumſtances of b niencies, benefits or advantages, according to the beſt of his ſkill and judgment, and the inqu thereupon taken ſhall be ſigned by the ſheriff, and ſeven or more of the jury, and ſhall be conc and the ſame ſhall be returned to the clerk of the county, to be by him recorded at the expe the ſaid company; and the valuation expreſſed in ſuch inquiſition ſhall be paid by the ſaid pre and directors to the owner of the ſaid lands, or his legal repreſentatives, before the ſaid pre and directors ſhall proceed to open the ſaid road.

And alſo for ſtone, gravel, &c.

XI. AND BE IT ENACTED, That in all caſes where ſtone, gravel or other materials, ſh neceſſary for making and repairing the ſaid road, the ſaid preſident and directors, or a majo them, may agree with the owners or proprietors of the ſaid materials for the purchaſe of the or with the ſaid owner or owners of the land on which the ſame may be, for the purchaſe of th land, and in caſe of diſagreement, or in caſe the owner ſhould be a *feme-covert*, under age, *compos*, or out of the ſtate or county, on application to one juſtice of the county in which ſuch terials may be, may proceed in all reſpects in the ſame manner for condemning the ſaid mater

of ſaid road, as in the like caſes where lands are directed to be taken and condemned as id, for making the ſaid road, and the ſaid parties reſpectively ſhall have the ſame benefit and ge of the ſaid proceedings as they will have under and in virtue of the ſaid proviſion for ning land herein before mentioned.

Fields not to be laid open.

AND BE IT ENACTED, That if the ſaid road ſhall be carried through any fields in actual tion, ſuch fields ſhall not be laid open, or uſed as a public road, until after the uſual time of off the crops then growing thereon.

Penalty for altering the road, &c.

I. AND BE IT ENACTED, That if any perſon ſhall alter or change, or in any manner obſtruct oach on, the ſaid public road, or any part thereof, cut down and deſtroy any turnpike gate, deſtroy, deface or remove, any mile-ſtones ſet up on ſaid road, or put or place any rubbiſh, ogs, ſtones, or any other obſtruction in the ſaid road, or make any pit or hole therein, ſuch may be indicted in the county court, and being thereof convicted, ſhall be fined for the uſe corporation, and impriſoned, in the diſcretion of the court, according to the nature of the ; and the preſident and directors ſhall cauſe any obſtructions or nuiſances on the ſaid road to oved, and ſhall reſtore the ſame to its proper ſtate and condition.

An account to be tranſmitted, &c.

V. AND BE IT ENACTED, That as ſoon as the road ſhall be completed in the manner directed act, the preſident and directors ſhall forthwith tranſmit to the governor and council a full and count of the coſts of ſaid road, and the amount of tolls received previous to their completion, ll annually thereafter tranſmit to the governor and council a yearly account of the tolls re- and expences incurred on ſaid road.

Gates may be ſet up, &c.

AND BE IT ENACTED, That the ſaid preſident and directors may cauſe to be ſet up and ſuch number of gates or turnpikes acroſs the ſaid road, at ſuch places as they may think pro- d may take and receive for paſſing the ſaid turnpike gates, ſet up on the ſaid road next to the Baltimore, Frederick-town, Elizabeth-town and William's Port, reſpectively, for every or other four wheeled riding carriage, the drivers, paſſengers and horſes, not exceeding thirty for every two wheeled riding carriage, the driver, paſſengers and horſes, not exceeding cents; for every waggon, or other carriage of burthen drawn by horſes, mules or oxen, not ing three cents per horſe, mule or ox; for every horſe and rider, not exceeding three cents; ry ſingle horſe, camel, aſs or mule, not exceeding one cent; and for black cattle, each not ing one half cent; for every ſcore of ſheep or hogs, at the rate of ten cents the ſcore; and d preſident and directors may impoſe ſuch tolls as they may think reaſonable on paſſing any f the ſaid gates or turnpikes, provided that the ſaid preſident and directors do not exact or , for paſſing the ſaid road between the ſaid toll-gates next to the city of Baltimore, Fre- town, Elizabeth-town and William's Port aforeſaid, for every coach, or other four wheeled carriage, the driver, paſſengers and horſes, paſſing the ſaid gates or turnpikes, more than nts per mile; for every two wheeled riding carriage, the driver, paſſengers and horſes, not ng two cents per mile; for every waggon, or other carriage of burthen, drawn by horſes, r oxen, not exceeding two cents per mile; for every horſe and rider, not exceeding one cent e; for every ſingle horſe, camel, aſs or mule, not exceeding one half cent per mile, and for ttle, each not exceeding two milles per mile; and for every ſcore of ſheep or hogs, not exceed- cents per mile; and provided, that the ſaid laſt mentioned tolls ſhall not be laid on any part ſaid road as ſhall not be made and completed in the manner herein before directed, and that turnpike gates, next adjacent to the city of Baltimore, Frederick-town, Elizabeth-town or n's Port, ſhall not be nearer to the ſaid towns reſpectively than one mile; and provided, that ons, their waggons, carts, carriages or animals, herein before enumerated, paſſing the ſaid es next adjacent to the city of Baltimore, Frederick-town, Elizabeth-town or William's Port, t be ſubject to pay any further toll on the ſaid road for the diſtance of ten miles from the ſaid ſpectively than the tolls thereat eſtabliſhed, nor ſhall any perſon or perſons, his, her or their s, carts, carriages or animals, be compelled to pay the ſaid tolls for paſſing the ſaid ſeveral pective gates on the ſaid road more than once in twenty-four hours; and no tolls ſhall be ex- r received by the ſaid company, or their agents, in any other caſes than thoſe herein before d.

Road, &c. veſted in the corporation, &c.

AND BE IT ENACTED, That the ſaid road and tolls ſhall be and are hereby veſted in the ſaid tion, and their ſucceſſors, for ever; provided always, that the ſaid corporation ſhall be obliged the ſaid road in good repair; and provided further, that whenſoever, at any time after the on of ſixty years from the eſtabliſhing and completing of the ſaid road, it ſhall ſeem expedient

to

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to the legiſlature to make the ſaid road and tolls ſo eſtabliſhed and made the property of the ſt
a law to be enacted for that purpoſe, three commiſſioners ſhall be appointed by the legiſlature
part of the ſtate, and three by the corporation aforeſaid, who, or any four or more of them
examine the accounts, and eſtimate what ſum or ſums of money the ſaid corporation has ex
and received, and the ſum, if any, neceſſary to be added to their receipts, to reimburſe th
corporation the ſums by them expended, with an intereſt of ten *per centum per annum* on the
expended in completing ſaid road, which ſaid ſum being paid to the ſaid corporation, the ſai
and tolls ſhall immediately thereon be the property of the ſtate.

Company to keep a juſt account, &c.

XVII. AND BE IT ENACTED, That the ſaid company ſhall keep a juſt and true account of
every the monies to be received by their ſeveral and reſpective collectors of tolls at the ſeveral
and turnpikes on ſaid road from beginning to end, and ſhall make and declare a dividend of th
profits and income thereof, all contingent coſts and charges being firſt deducted, among all th
ſcribers to the ſaid company's ſtock, and ſhall, on every ſecond Monday in January and July in
year, publiſh the half yearly dividend to be made of the ſaid clear profits among the ſtockh
and of the time and place when and where the ſame will be paid, and ſhall cauſe the ſame to b
accordingly.

An abſtract to be laid before the aſſembly, &c.

XVIII. AND BE IT ENACTED, That the ſaid preſident and directors ſhall, at the end of every
year from the date of the incorporation until two years next after the whole road ſhall be com
lay before the general aſſembly of this ſtate an abſtract of their accounts, ſhewing the whole a
of their capital expended in proſecution of the ſaid work, and of the income and profits ariſin
ſaid toll for and during the ſaid reſpective periods, together with an exact account of the co
charges of keeping the ſaid road in repair, and all other contingent coſts and charges, to the en
the clear annual income and profits thereof may be aſcertained and known; and if at the end
years after the ſaid road ſhall be completed from the beginning to the end thereof, it ſhall a
from the average profits of the ſaid two years, that the ſaid clear income and profits there
not bear a dividend of ten *per centum per annum* on the whole capital ſtock of the ſaid company
pended, then it ſhall and may be lawful to and for the ſaid preſident and directors to increa
tolls herein above allowed ſo much upon each and every allowance thereof as will raiſe the div
up to ten *per centum per annum*; and at the end of every ten years after the ſaid road ſhall be
pleted, they ſhall render to the general aſſembly a like abſtract of their accounts for three pre
years, and if, at the end of any ſuch decennial period, it ſhall appear, from ſuch abſtract, th
clear profits and income of the ſaid company will bear a dividend of more than fifteen *per cent*
annum, then the ſaid toll ſhall be ſo reduced as will reduce the ſaid dividend down to fifteen *per*
per annum.

Penalty for not complying, &c.

XIX. AND BE IT ENACTED, That in caſe the ſaid preſident and directors ſhall not
ply with the proviſions of this act, in publiſhing an account of their expenditures and re
ceeds ſemi-annually, and alſo in laying before the legiſlature every two years after the
of the firſt directors as aforeſaid, a ſtatement upon oath, of their capital expended, and the
ariſing from the ſame, they ſhall forfeit and pay, for each neglect, the ſum of five hundre
lars.

Proſecutions may be carried on, &c.

XX. AND, for the puniſhment of all offences created by this act, and committed by the
ration or their agents, BE IT ENACTED, That proſecutions by action ſhall be carried on and
cuted againſt the preſident in the county court of the county in which the ſaid preſident
reſide; and all fines and forfeitures impoſed by this act, which may affect other perſons, ſhall
covered by indictment againſt the party offending in the county court of the county in which
ſhe ſhall reſide, and the ſame, when received, ſhall be paid to the ſtate, or to ſuch perſon or p
to whoſe uſe the ſame are by this act appointed; and if any perſon ſhall refuſe to pay the
tolls impoſed by this act, at the reſpective places at which they may be demanded by law, or
evade the payment thereof, by going round the toll-gates, ſuch toll ſhall be recovered by w
iſſued by any juſtice of the peace of the county in which the payment of ſuch toll may be dem
by virtue of this act, or of the county in which ſuch perſon ſhall reſide; and all ſuch juſtice
hereby authoriſed and required to iſſue ſuch warrants on the application of the ſaid preſiden
directors, or their agents or toll receivers, and to hear and determine the ſaid complaint, and t
judgment, and award execution thereon, in the ſame manner as they are authoriſed to proc
other caſes by the act, entitled, An act for the ſpeedy recovery of ſmall debts out of court,
repeal the act of aſſembly therein mentioned.

XXI.

AND BE IT ENACTED, That the preſident and directors aforeſaid ſhall have full power and y to make ſuch by-laws and ordinances as may be neceſſary for the regulating of the affairs aid corporation, and for the carrying into effect the powers veſted in them by this act. By-laws may be made, &c.

. AND BE IT ENACTED, That the ſaid proprietors, or a majority of them holding at leaſt houſand ſhares, ſhall have full power, at any general meeting, to leſſen ſaid tolls, or deter- hat article ſhall paſs free of tollage. Tolls may be leſſened, &c.

II. AND BE IT ENACTED, That the ſaid preſident and directors ſhall have full power and au- from time to time, to farm the ſaid tolls and toll-gates, or any of them, for ſuch term or during the continuance of the ſaid corporation, and upon ſuch conditions, as they, in their on, ſhall deem expedient, provided that the ſame ſhall be ratified and confirmed by the gene- ting of the ſtockholders that ſhall next happen thereafter. And may be farmed out, &c.

V. AND BE IT ENACTED, That if any perſon ſhall drive any carriage or waggon, cart or arriage of burthen, round any turnpike gate, with intentions to avoid the payment of the nd if any perſon ſhall lead or drive his riding horſe, or any horſe or horſes, ox or oxen, mule s, hog or hogs, ſheep or black cattle, liable to tolls, round any ſuch turnpike gate, with intent le the payment of the toll, ſuch perſon, if a free man, ſhall forfeit and pay two dollars for uch offence, or if a ſervant or ſlave, the maſter or miſtreſs ſhall forfeit and pay one dollar. Penalty for attempting to evade payment, &c.

. AND BE IT ENACTED, That if any part of the ſaid road, bridges or cauſeways, upon olls ſhall have been received, ſhall be and continue to be out of good and perfect order and or the ſpace of five days, and information thereof ſhall be given to any juſtice of the peace neighbourhood, ſuch juſtice ſhall iſſue a precept, to be directed to any ſheriff, commanding him non three judicious freeholders, to meet, at a certain time in the ſaid precept to be mention- the place in the ſaid road, bridge or cauſeway, of which complaint is made, notice of which ſhall alſo be given to the keeper of the gate or turnpike neareſt thereto; and the ſaid juſtice t ſuch time and place, by the oaths or affirmations, of the ſaid freeholders, inquire whether road, bridge or cauſeway, or any part thereof, are in ſuch good and perfect order and repair ſaid, and ſhall cauſe an inquiſition to be made, under the hands of himſelf, and of a majority ſaid freeholders; and if the ſaid road, bridge or cauſeway, ſhall be found by the ſaid inquiſi- be out of order and repair, according to the true intent and meaning of this act, he ſhall and ſend one copy of the ſaid inquiſition to each of the keepers of the turnpike gates between ſuch defective place ſhall be, and from thenceforth the tolls hereby granted to be collected at rnpikes or gates for paſſing the interval of road between them ſhall ceaſe to be demanded, collected, at ſuch turnpikes or gates, until the ſaid defective part or parts of the ſaid road, or cauſeways, ſhall be put into good and perfect order and repair as aforeſaid; and if the ſame ot be ſo put into good and perfect order before the meeting of the next court of the county n the preſident of the company ſhall reſide, the ſaid juſtice ſhall certify and ſend a copy of d inquiſition to the judges of ſaid court, and the ſaid court ſhall thereupon order *capias ad ndum* againſt the ſaid preſident, to which the name of the attorney-general, or his deputy, e put, on which action the ſame proceedings ſhall be had as in other ſuits at law; and if it ppear that the neglect charged in the ſaid inquiſition is well founded, the ſaid court ſhall give nt according to the nature and aggravation of the neglect, and ſhall proceed to fine the ſaid nt and company in any ſum not exceeding two hundred dollars. Juſtice, in certain caſes, may iſſue a precept, &c.

VI. AND BE IT ENACTED, That it ſhall and may be lawful for every of the ſaid proprietors nſfer his or her ſhare or ſhares, by ſuch deed, and in ſuch form, as the ſaid preſident and rs by ordinance ſhall direct. Shares may be transferred, &c.

VII. AND BE IT ENACTED, That in caſe any perſon ſhall die inteſtate, holding any ſhare or ſhares ſaid corporation funds, the adminiſtrator or adminiſtrators of ſuch inteſtate, or the ſurvivor or rs of them, ſhall hold the ſame intereſt in the ſaid funds, and be entitled to all the benefits there- he ſaid inteſtate in his life ſhall have had or held therein, and ſhall be and are hereby authoriſed powered to transfer the ſame, or make ſale thereof in his, her or their own name or names, e ſame ſhall be ſubject to the ſame diſpoſition as other perſonal property of the ſaid inteſtate. Adminiſtrator may hold, &c.

VIII. AND BE IT ENACTED, That ſo ſoon as the ſaid company ſhall have perfected the ſaid or any diſtance not leſs than ten miles, and ſo from time to time any other like diſtance ſſively, they ſhall give notice thereof to the governor of this ſtate, who ſhall thereupon ap- Notice to be given, &c.

CHAP. LXV.

point three ſkilful and judicious perſons to view and examine the ſame, and report to h writing, whether the ſaid road is ſo far executed in a maſterly workman-like manner, accord the true intent and meaning of this act, and if their report ſhall be in the affirmative, th governor ſhall, by licence under the ſeal of the ſtate, permit and ſuffer the ſaid company to and fix ſuch and ſo many gates and turnpikes acroſs the ſaid road as will be neceſſary to colle tolls and duties herein granted to the ſaid company.

Directories to be erected, &c.

XXIX. AND BE IT ENACTED, That the ſaid preſident and directors ſhall cauſe to be e directories, at proper and convenient ſituations, to note to all conductors or drivers of carri the turnpike road aforeſaid, that they ſhall at all times paſs on the left of each other, under t nalty of three dollars for every offence, to be recovered and applied as aforeſaid.

Rights, &c. in certain caſes, reſerved, &c.

XXX. AND BE IT ENACTED, That if the ſaid company ſhall not proceed to carry on ſaid within two years after the paſſing this act, and ſhall not within twenty years afterwards compl ſaid road, according to the true intent and meaning of this act, then, in either of theſe ca ſhall and may be lawful for this ſtate to reſerve all and ſingular the rights, liberties and priv hereby granted to the company.

CHAP. LXVI.

Paſſed 20th of Jan. 1798.

An ACT for the relief of certain foreigners therein mentioned. Lib. JG. No. 2. fol. 67 Private Act.

CHAP. LXVII.

* 1790, ch. 22.

An additional ſupplement to an act, * entitled, An act to ſtreig and amend the ſeveral public roads in ſeveral counties, and other purpoſes therein mentioned. Lib. JG. No. 2. fol. 673.

Preamble.

WHEREAS by virtue of an act, entitled, A ſupplement to an act, entitled, An act to ſtr en and amend the ſeveral public roads in ſeveral counties, and for other purpoſes th

* Chapter 82.

mentioned, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-one, * a road ha laid out from the eaſt end of Patrick-ſtreet, in Frederick-town, to croſs Monocacy at Gombe ry, thence by William Hobb's to meet the Anne-Arundel road leading from the Baltimore tu road towards Frederick-town: And whereas part of the ſaid road lies in Baltimore county, a tween the lines of Frederick and Anne-Arundel counties, and by the ſaid act no power is given juſtices of Baltimore county to levy money for the purpoſe of keeping that part of the road in

Road deemed a highway, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That ſuch part of the aforeſaid r lies in Baltimore county be henceforth deemed and taken as a public highway, and that the ſa hereafter kept up and repaired at the county charge in the ſame manner as other public roads i timore county are.

CHAP. LXVIII.

An ACT to authoriſe the laying out a public road from John Ne lane, in Harford county, to interſect the road leading to the of Baltimore. Lib. JG. No. 2. fol. 673.

Preamble.

WHEREAS a public road leading from a place known by the name of John Neale's La Harford county, to interſect a great road leading to the city of Baltimore, will be a public convenience, and is eſſentially neceſſary; therefore,

Commiſſioners to be appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Harford c are hereby authoriſed and required, at their next levy court, to appoint five diſcreet, ſenſibl diſintereſted perſons, as commiſſioners, to lay out a public road beginning at a place known b name of John Neale's Lane, and to run in a direction ſo as to interſect a great road leading t city of Baltimore, which paſſes by a place known by the name of Cox's Mill to the Upper Roads; in the laying out of which public road the ſaid commiſſioners are directed to take into as well the diſadvantages which may reſult to individuals over whoſe lands the ſaid road may r the convenience of the public, ſo as to lay out the ſaid road with as little injury to private perty as will comport with the public convenience.

Plot to be returned, &c.

III. AND BE IT ENACTED, That the ſaid commiſſioners are hereby further directed to re plot of ſaid road ſo by them laid out to the clerk's office of ſaid county, to be there recorded

y court ſhall, after the return of ſaid plot as aforeſaid, appoint a ſupervifor or ſupervifors to e ſame, and ſhall levy a ſum of money, not exceeding one hundred dollars, for that purpoſe; e ſaid road, when opened as aforeſaid, ſhall be taken for, and it is hereby declared to be, a road in ſaid county, and may be repaired as other public roads are repaired in ſaid county; d nevertheleſs, that nothing herein contained ſhall authoriſe the ſaid commiſſioners to open l road, or the levy court to levy any ſum of money for that purpoſe, until the aſſent of every through whoſe land the ſaid road may paſs be firſt had and obtained under the hand of every erſon, and returned to the levy court aforeſaid; and provided alſo, that nothing herein conſhall in any manner authoriſe the ſaid commiſſioners to lay out the ſaid road through the lands infant, or perſon *non compos mentis*.

Allowance to commiſſioners, &c.

AND BE IT ENACTED, That the commiſſioners appointed in virtue of this act, and the furemployed by the ſaid commiſſioners, ſhall be entitled to an allowance of two dollars for every ey ſhall ſeverally attend in diſcharge of the duties herein impoſed.

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upplement to the act * for the better adminiſtration of juſtice in e ſeveral counties of this ſtate. Lib. JG. No. 2. fol. 675.

Paſſed 20th of Jan. 1798.
* 1796, ch. 43.

How vacancies are to be filled, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That upon the death, reſignation, removal ut of the diſtrict, or other diſqualification, of any chief juſtice now in commiſſion, or who may ter be commiſſioned in virtue of this act, the governor and council ſhall and they are hereby iſed and directed to appoint and commiſſion, for ſuch diſtrict in which the vacancy may happen, erſon of integrity, experience and found legal knowledge, who, after his appointment, ſhall in the diſtrict for which he is appointed, (and who ſhall be ſtyled in the commiſſion Chief Juſf the county courts in ſuch diſtrict;) and upon the death, reſignation, removal to reſide out of iſtrict, or other diſqualification, of any aſſociate juſtice commiſſioned in virtue of the act to this is a ſupplement, or who may hereafter be commiſſioned in virtue of this act, the goverd council ſhall and they are hereby authoriſed and directed to appoint and commiſſion, in ſuch y in which the vacancy may happen, two perſons of integrity, experience and knowledge, reſ of the county for which they are appointed, (who ſhall be ſtyled in the commiſſion Aſſociate es of the county court of the county for which they ſhall be appointed;) and the ſaid chief juſnd aſſociate juſtices ſhall hold their commiſſions during good behaviour, and may be removed iſbehaviour, in the ſame manner as the chancellor and the judges may be removed agreeably to onſtitution of this ſtate, and not otherwiſe.

Salaries aſcertained, &c.
* Chapter 43.

AND BE IT ENACTED, That every chief juſtice appointed and commiſſioned in virtue of an aſſembly paſſed at November ſeſſion, ſeventeen hundred and ninety-ſix, * entitled, An act for etter adminiſtration of juſtice in the ſeveral counties of this ſtate, or who may hereafter be aped in virtue of this act, ſhall receive, as a compenſation for his ſervices, as follows, viz. For rſt diſtrict, at the rate of one thouſand three hundred dollars *per annum*; for the ſecond diſtrict, e rate of one thouſand three hundred dollars *per annum*; for the third diſtrict at the rate of one and four hundred dollars *per annum*; for the fourth diſtrict, at the rate of one thouſand three red dollars *per annum*; for the fifth diſtrict, at the rate of one thouſand three hundred dollars nnum; and the treaſurer of the weſtern ſhore ſhall and he is hereby authoriſed and directed to quarterly, out of any unappropriated money which may be in the treaſury, to each of the chief es, or to his order, the ſalary which by law he is entitled to receive.

To whom the taxes are to be paid, &c.

I. AND BE IT ENACTED, That the taxes to be paid by the directions of the act to which this is plement, ſhall be paid to the clerks of the reſpective county courts at the time of iſſuing the ſaid eſs or commiſſions, or of entering the ſaid appeals, or producing the ſaid writs of error, *habeas* , or *certiorari*, by the perſons applying for the ſaid proceſs or commiſſions, or deſiring the ſaid al to be entered, or producing the ſaid writs of error, *habeas corpus*. or *certiorari*, and ſhall be ed and taxed in the coſts of ſuits; and the clerk of every county ſhall, every ſix months, ſettle ccounts, on oath, or affirmation, with the treaſurer of his reſpective ſhore, and ſhall pay the ſum ted to the ſaid treaſurer; and every county clerk may retain at the rate of three *per cent.* for rouble in receiving and paying the ſaid fees according to this act; and it ſhall be the duty of aid reſpective clerks, at or before the cloſe of each reſpective term, and before the returns ired by the ſaid original act ſhall be made to the ſaid reſpective treaſurers, to preſent a true, and correct liſt of the ſeveral taxes impoſed upon the ſaid proceſs and law proceedings, and

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receivable by them, to the juſtices of their reſpective courts, for their examination and approb and if, upon the examination of ſuch liſt, and the correction thereof, if neceſſary, the ſame ſh approved, the ſame ſhall be ſubſcribed by them, or by the chief juſtice alone, or by the aſſ juſtices, and the groſs amount of taxes therein contained ſhall be certified immediately there by the ſaid chief juſtice, or by the aſſociate juſtices, to the treaſurer of their reſpective ſhore every liſt ſo ſubſcribed ſhall be returned, and the amount of taxes therein contained ſhall be within the ſpace of fifteen days after the ſubſcription thereof as aforeſaid, by the ſaid clerks reſpective treaſurers; and if any of the ſaid clerks ſhall refuſe or neglect to preſent a true, and correct liſt of the ſaid taxes in manner aforeſaid, or to return the ſame as herein before dir to the ſaid reſpective treaſurers, every ſuch clerk ſhall forfeit and pay the ſum of one hu dollars for every offence.

Juſtices to aſcertain the amount, &c.

IV. AND BE IT ENACTED, That the juſtices of the levy court for the ſeveral counties, at time of laying their county aſſeſſment for the year ſeventeen hundred and ninety-eight, and year thereafter, ſhall aſcertain the amount of the money collected in their county from the tax in before impoſed, by a certificate from the clerk of their county, and thereupon the ſaid ju after deducting the ſum ſo paid by their clerk, ſhall lay ſuch ſum on their county as will make deficiency of the ſum payable by their county as aforeſaid, towards the annual allowance to the juſtice of their diſtrict, and commiſſion of ſix *per cent.* for collection; and if there ſhall be any ſu of the money paid into the treaſury by the clerk of any county beyond what will pay the quo ſuch county, the ſaid ſurplus ſhall be applied to the uſe of the ſaid county.

Monies to be paid to the treaſurers, &c.

V. AND BE IT ENACTED, That all monies levied by the juſtices of the levy court in the ſe counties of this ſtate towards paying the ſalaries of the ſaid chief juſtices, ſhall hereafter be pa the ſheriffs or collectors collecting the ſame, to the treaſurer of their reſpective ſhore, and i collector or clerk ſhall not pay the money intruſted to his collection, by virtue of this act, t treaſurer of his reſpective ſhore, within thirty days after the ſame ſhall become due, it ſhall be ful for the ſaid treaſurer to file an atteſted copy of ſuch collector's bond, or a proved account o ſum due from ſuch clerk, in the general court of the eaſtern and weſtern ſhore reſpectively, and clerk of the general court ſhall immediately thereupon iſſue a common *capias ad reſpondendum* ag ſuch collector and ſecurities, or againſt ſuch clerk, returnable to the next ſucceeding court, judgment or trial ſhall be had at the firſt term, without any imparlance or delay; and there execution ſhall iſſue againſt ſuch collector and his ſecurities, and againſt ſuch clerk, for ſuch ſu by the judgment of the court ſhall appear to be due.

Part of an act repealed. * Chapter 43.

VI. AND BE IT ENACTED, That every part of an act of aſſembly, paſſed at November ſe ſeventeen hundred and ninety-ſix,* entitled, An act for the better adminiſtration of juſtice in ſeveral counties of this ſtate, which may be contrary to, or inconſiſtent with, the proviſions of act, ſhall be and the ſame is hereby repealed.

Duration.

VII. This act to continue in force until the twentieth day of October, in the year eighteen dred, and until the end of the next ſeſſion of aſſembly which may happen thereafter.

CHAP. LXX.

Paſſed 20th of Jan. 1798.

An ACT to incorporate a company for making ſeveral turnpike ro through Baltimore and Frederick counties, until they interſect t diviſional line between Maryland and Pennſylvania. Lib. J No. 2. fol. 677.

Preamble.

WHEREAS the great quantity of heavy articles of the growth and produce of the coun and of foreign goods, which are daily tranſported between the city of Baltimore and weſtern counties of the ſtates of Maryland and Pennſylvania, requires an amendment of the hi ways, which can only be effected by artificial beds of ſtone and gravel, diſpoſed in ſuch manne to prevent the wheels of carriages from cutting into the ſoil, the expences whereof will be gr and it is reaſonable that thoſe who will enjoy the benefits of ſuch highways ſhould pay a compe tion therefor, and there is reaſon to believe ſuch highways will be undertaken by an aſſociati citizens, if proper encouragement be given by the legiſlature; therefore,

A ſubſcription to be opened, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That a ſubſcription be opened fo capital of three hundred thouſand dollars, in ſhares of one hundred dollars each, and that Sa Sa

Joſeph Thornburgh, Jeſſe Hollingſworth and Philip Grable, be and they are hereby appointed managers for taking ſubſcriptions for ſixteen hundred ſhares at the city of Baltimore; and that T. Worthington, George Fiſher, Charles Cockey and Philip Shull, be and they are hereby appointed for taking ſubſcriptions for ſixty ſhares at Riſter's-town; and that Joſhua Giſt, Jacob Sherd Henry Stevenſon, be and they are hereby appointed for taking one hundred ſhares at Weſt-; and that John Gwinn, Michael Null and Joſeph M'Caleb, be and they are hereby appointed ing one hundred ſhares at Taney-town; and that William Emmit, James Hughes and Chriſtian be and they are hereby appointed for taking one hundred ſhares at Emmitſburgh; and that niel Rocheſter, Jacob Harry and Thomas Sprigg, be and they are hereby appointed for taking undred and twenty ſhares at Elizabeth-town; and that Robert Johnſon, George Clark and Ramſay, be and they are hereby appointed for taking one hundred ſhares at Green Caſtle; at George Hetick, William Alexander and Samuel Riddle, be and they are hereby appointed king one hundred and twenty ſhares at Chamberſburgh; and that James Ervin, James Bun and Robert M'Gaw, be and they are hereby appointed for taking ſixty ſhares at Meſſerſ-; and that George Murdock, William M. Beall and George Baer, junior, be and they are appointed for taking one hundred ſhares at Frederick-town, and that James Gettis, Alex-Cabean and Alexander Ruſſell, be and they are hereby appointed for taking one hundred ſhares ttiſburgh; and that James M'Sherry, Jacob Winderod and Thomas Lilly, be and they are appointed for taking ſixty ſhares at Little's-town; and that Jacob Rudecil, Conrod Sherman enry Slagle, be and they are hereby appointed for taking one hundred ſhares at Hanover-town; hat Baltzer Spangler, George L. Lifter, Borus Forneſtock and Thomas Thornburgh, be and re hereby appointed for taking one hundred and twenty ſhares at York-town; and that George Elexis Lemmon and George Carlinger, be and they are hereby appointed for taking ſixty at George Nace's tavern; and that the ſaid ſubſcriptions ſhall be opened on the ſecond Mon-March next, of which four weeks previous and ſucceſſive notice ſhall be given in the city of more, Frederick-town, Elizabeth-town, Eaſton and Annapolis news-papers; at which reſpective and places ſome one or more of the ſaid managers ſhall attend, and the ſubſcription books e continued open until the capital aforeſaid ſhall be ſubſcribed, and on the completion thereof, and true liſt of all the ſubſcribers, with the ſhares ſubſcribed by each, ſhall be made out and ed by the ſaid managers, under their hands, to the clerks of Baltimore and Frederick county , who are hereby ſeverally authoriſed and directed to record the ſame among the land records ir reſpective counties; and an atteſted copy of ſuch records, and ſeal of their office, or either m, ſhall in all caſes be ſufficient evidence of ſuch ſubſcription.

A meeting may be called, &c.

AND BE IT ENACTED, That as ſoon as one thouſand ſhares ſhall be ſubſcribed, the perſons y empowered to take in ſubſcriptions, or a majority of them, may call a meeting of the ſubrs at the city of Baltimore, after not leſs than four weeks ſucceſſive notice in the city of Bale, Frederick-town, Elizabeth-town, Eaſton and Annapolis news-papers; and the ſubſcribers aſed in conſequence of ſuch notice ſhall chooſe, by ballot, from among the ſubſcribers, by a maof the votes of ſuch as ſhall be preſent in perſon, or by proxy, twelve directors for the term e year thereafter, and on the ſame day annually, for ever thereafter, a like election ſhall be ; and in caſe of refuſal, death, reſignation, diſqualification, or removal out of the ſtate, of any or, the remaining directors, at their meeting thereafter, ſhall elect, by ballot, another perſon ed as aforeſaid in his place for the reſidue of the year; the directors, or any ſeven of them, at the firſt meeting after every general election, elect, by a majority of the members preſent, llot, from among the ſtockholders, a preſident, who ſhall, whether a director or not, be thereentitled to all the powers and privileges of one, and if he was before a director, another direcall be elected as aforeſaid, ſo as to keep up the number of directors preſcribed by this act, exe of the preſident; and in caſe of refuſal, death, reſignation, diſqualification, or removal out e ſtate, of the preſident, the directors ſhall meet, as ſoon as conveniently can be thereafter, lect another perſon for preſident, in the manner before directed.

Stockholders incorporated, &c.

AND BE IT ENACTED, That the ſtockholders in the ſaid company ſhall be and they are hereorporated, and conſtituted a body politic, by the name of The Preſident, Directors and Com- of the Riſter's-town Turnpike Roads, and by the ſame name ſhall have ſucceſſion during the nuance of this incorporation; and the ſaid ſtockholders, and their ſucceſſors, by the name aforemay ſue and be ſued, anſwer and be anſwered, in any court of law or equity in this ſtate, and do and execute every other matter and thing, by the name aforeſaid, that they are authoriſed in virtue of this act, and ſhall have power to make a ſeal, and alter, or break and renew the according to their will and pleaſure.

V. AND

CHAP. LXX.

Directors to receive subscriptions, &c.

V. AND BE IT ENACTED, That after the said directors shall be appointed, they shall have power and authority to receive subscriptions for all unsubscribed or vacant shares, and thereupon powers heretofore vested in the managers for taking in subscriptions shall cease; and that there meeting of the directors quarterly, for the purpose of regulating the affairs of the corporation, seven of whom to make a board, and that the board have power to adjourn from time to time; the president, or any three of the directors, may call a special meeting at any other time they think necessary.

Commissioners to be appointed, &c.

VI. AND BE IT ENACTED, That the president and directors be and they are hereby authorized to appoint three commissioners, neither of whom shall be directly or indirectly interested in any the lands through which the said roads may or shall pass; and the said commissioners, or a majority them, shall lay out and make a public road from Rister's-town towards Hanover-town to the Baltimore county, on as streight a line as the nature of the country and public convenience will mit; and the said commissioners, or a majority of them, shall, in like manner, lay out and public road from Rister's-town aforesaid to the town of Westminster, from Westminster to Taney town, from Taney-town to Emmitsburgh, from Emmitsburgh to the Pennsylvania line; provided that the said roads, or either of them, shall not be carried through any buildings, garden or without the consent of the owner and possessor thereof; and provided also, that the said commissioners, or a majority of them, shall locate the road from the line of Baltimore county, through minster-town, Taney-town, Emmitsburgh, to the Pennsylvania line, in the manner the same been heretofore located, cleared and confirmed, by the justices of Frederick county court, unless they, or a majority of them, shall in their judgment and opinion think it necessary to streighten amend the same; and the president and directors shall pay and satisfy, out of the monies of the company, all reasonable costs and charges incurred by the said commissioners in laying out and ing the aforesaid roads.

Who shall take an oath, &c.

VII. AND BE IT ENACTED, That the said commissioners, before they proceed to the execution the powers vested in them by this act, shall take the following oath, or affirmation: "I, A. B. "pointed a commissioner to lay out and mark a public road from Rister's-town, by virtue "act, entitled, An act to incorporate a company for making several turnpike roads through "more and Frederick counties, until they intersect the divisional line between Maryland and "sylvania, do swear, or affirm, that I will lay out and mark the same according to the best "skill and judgment, and according to the directions of the said act; and I do further swear "affirm, that I am not interested in any lands through which the said roads are likely to pass."

And return the courses, &c.

VIII. AND BE IT ENACTED, That the commissioners aforesaid, after they shall have laid out marked the said roads, are hereby directed to return the courses, bounds and plots thereof, clerk of Baltimore county court, and a duplicate thereof to the clerk of Frederick county court be by them recorded at the expence of the said body corporate; and that the said roads, so laid and returned as aforesaid, shall be for ever thereafter taken, held and adjudged, public roads common highways.

President, &c. may agree, &c.

IX. AND BE IT ENACTED, That the said president and directors, and their successors, or a jority of them assembled, shall have full power and authority, from time to time, to agree with employ any person or persons, on behalf of the said company, to grub, clear, stone and make roads sixty-six feet in breadth, in the manner hereafter directed, and to do all other things for completion of said roads in the manner required by this act; and that the president and directors may establish rules and regulations for conducting the business of the corporation, and appoint various officers and labourers, and pay all expences, which they may find necessary.

Sums subscribed to be paid, &c.

X. AND BE IT ENACTED, That the sums so subscribed before the said directors shall be appointed as aforesaid, shall be paid to the directors as follows, to wit: One fourth thereof at the end of month after the election of the directors, one fourth at the end of one year after the election of directors, one fourth at the end of eighteen months after the election of the directors, and the due at the end of two years after the election of the directors; and that all subscriptions which be so made, after the election of such directors, shall be paid in such manner, and in such proportions, as the said directors shall from time to time order and direct; provided nevertheless, that directors for the time being may, in their discretion, suspend, or totally release, the payments of part of the said subscriptions, made before or after the election of directors, as they may find dient; and if any subscriber shall fail in making payment as aforesaid within sixty days after the limitted therefor, he shall be liable to forfeit, if the possessor of one share, the said share fo

as alſo all monies paid on account thereof; if the ſubſcriber ſo failing ſhall be the holder of an one ſhare, he ſhall be entitled to retain and hold as many ſhares as the ſums of money by anced will pay for, the remaining ſhares, as alſo the ſurplus of money advanced, if inſuf- o pay for an additional ſhare, ſhall be liable to forfeiture, if the preſident and directors ſhall to declare the ſame forfeited, and in ſuch caſe it ſhall and may be lawful for the ſaid preſident ectors to ſell and diſpoſe of ſuch forfeited ſhares for the uſe and benefit of the ſaid corpora- nd if any of the ſubſcribers or proprietors, after any payment ſhall have been ſo ordered and ed as aforeſaid, ſhall refuſe or neglect to make ſuch payment within the time limitted, and preſident and directors ſhall elect, inſtead of the forfeiture aforeſaid, to proceed againſt ſuch er or proprietor, in order to compel ſuch payment, it ſhall and may be lawful for the ſaid t and directors, in the name of the ſaid corporation, to proſecute an action at law againſt rſon, either in the general court, or county court in the county where ſuch perſon ſhall re- d if a copy of the declaration in ſuch caſe be ſerved with the writ ten days before the court h ſuch writ ſhall be returnable, the ſaid court ſhall proceed to trial and judgment at the firſt nd any purchaſer or purchaſers of any forfeited ſhares ſhall, in caſe of non-compliance with heir contract, or failure to make any future payments that may accrue upon ſuch purchaſed fter the time of ſuch purchaſe, be liable, in the election of the ſaid preſident and directors, iture, or to ſuch ſummary proceedings as aforeſaid, in the ſame manner as any original ſub- or proprietor.

Roads to be laid out, &c.

AND BE IT ENACTED, That the ſaid company ſhall cauſe the ſaid roads to be laid out ſixty- wide, twenty-one feet whereof in breadth, at leaſt, ſhall be made artificial roads, which ſhall ed with wood, ſtone, gravel, or any other hard ſubſtance, well compacted together, a ſuffi- pth to ſecure a ſolid foundation to the ſame; and the ſaid roads ſhall be faced with gravel, or unded, or other ſmall hard ſubſtance, in ſuch manner as to ſecure a firm, and as near as the s will admit, an even ſurface; and the ſaid roads ſhall be made ſo nearly level in their pro- s that they ſhall in no place riſe or fall more than will form an angle of ſix degrees with an al line, and ſhall for ever thereafter maintain and keep the ſame in good and perfect order air.

Preſident, &c. may agree for ſatisfaction, &c.

AND, whereas the laying out the ſaid roads, may cauſe damage to the owners of the lands which the ſaid roads may paſs, and it is reaſonable and juſt the owners ſhould, if they re- , receive a compenſation therefor, BE IT ENACTED, That if the proprietors of the lands which the ſaid roads may paſs, and which ſhall be condemned by the ſaid commiſſioners ap- as aforeſaid, ſhall apply to the preſident and directors for any ſatisfaction, the ſaid preſident ctors, or a majority of them, may agree with the owner or owners of ſaid land for the pur- ereof, and in caſe of diſagreement, or in caſe the owner ſhall be a *feme-covert*, under age, or s, or out of the ſtate or county, on application to any one juſtice of the county in which ds may be, the ſaid juſtice ſhall iſſue his warrant, under his hand, to the ſheriff of his coun- miſſioning him to ſummon twelve freeholders, inhabitants of the ſaid county, not related to owner, nor in any manner intereſted, to meet on the land to be valued, at a day to be ex- n the warrant, of which five days notice ſhall be given by the ſheriff to the owner of the , or left at his laſt place of abode, or given to his or her guardian if an infant, or if out of or county by publiſhing notice thereof not leſs than four weeks ſucceſſively in one of the e papers; and the ſheriff, on receiving ſaid warrant, ſhall then ſummon the ſaid jury, and t, ſhall adminiſter an oath, or affirmation, to every juryman, who ſhall ſwear, or affirm, (as may require,) that he will juſtly, faithfully, impartially and honeſtly, value the lands, and ges, if any, the owner thereof will ſuſtain by the road paſſing through the ſame, having true o all circumſtances of conveniencies, benefits or diſadvantages, according to his ſkill and ; and the inquiſition thereupon taken ſhall be ſigned by the ſheriff, and ſeven or more of the l ſhall be concluſive, and the ſame ſhall be returned to the clerk of the county, to be by him , at the expence of the ſaid company; and the valuation expreſſed in ſuch inquiſition ſhall y the ſaid preſident and directors to the owner of the ſaid lands, or his legal repreſentatives, e ſaid preſident and directors ſhall proceed to open the ſaid road.

And alſo for ſtone, gravel, &c.

AND BE IT ENACTED, That in all caſes where ſtone, gravel, or other materials, ſhall be for making and repairing the ſaid roads, the ſaid preſident or directors, or a majority of ay agree with the owners or proprietors of the ſaid materials for the purchaſe of the ſame, he ſaid owner or owners of the land on which the ſame may be for the purchaſe of the ſaid l in caſe of diſagreement, or in caſe the owner ſhall be a *feme-covert*, under age, or *non com-* t of the ſtate or county, on application to one juſtice of the county in which ſuch materials

may

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may be, may proceed in all respects in the same manner for condemning the said materials for use of said roads as in the like cases where lands are directed to be taken and condemned as aforesaid for making the said roads, and the said parties respectively shall have the same benefit and advantage of the said proceedings as they will have under and in virtue of the said provision for condemning land herein before mentioned.

Fields not to be laid open.

XIV. AND BE IT ENACTED, That if the said road shall be carried through any fields in actual cultivation, such fields shall not be laid open, or used as public roads, until after the usual time of taking off crops then growing thereon.

Penalty on persons altering the road, &c.

XV. AND BE IT ENACTED, That if any person shall alter or change, or in any manner obstruct or encroach on, the said public roads, or any part thereof, cut down and destroy any turnpike gate, or cut, destroy, deface or remove, any mile-stones set up on said roads, or put or place any rubbish, dirt, logs, stone, or any other obstruction in the said roads, or make any pit or hole therein, such person may be indicted in the county court, and being thereof convicted, shall be fined, or imprisoned, in the direction of the court, according to the nature of the offence; and the president and directors shall cause any obstructions or nuisances on the said road to be removed, and shall restore the same to its proper state and condition.

An account to be transmitted, &c.

XVI. AND BE IT ENACTED, That as soon as the roads shall be completed in the manner directed by this act, the president and directors shall forthwith transmit to the governor and council a full and fair account of the costs of said roads, and the amount of tolls received previous to the completion, and shall annually thereafter transmit to the governor and council a yearly account of the tolls received and expences incurred on said roads.

Gates may be set up, &c.

XVII. AND BE IT ENACTED, That the said directors may cause to be set up and erected a number of gates or turnpikes across the said roads at such places as they may think proper, and take and receive, for passing the said turnpikes, the tolls and rates herein after mentioned, and stop any person riding, leading or driving, any horses, cattle, hogs, sheep, sulky, chair, chaise, phæton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say, for every space of ten miles in length of the said road the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of sheep, one eighth of a dollar; for every score of hogs, one eighth of a dollar; for every score of cattle, one quarter of a dollar; for every horse and his rider, one horse, three cents; for every sulky, chair or chaise, with one horse and two wheels, one eighth of a dollar; for every chariot, coach, stage, waggon, phæton or chaise, with two horses and four wheels, one quarter of a dollar; for either of the carriages last mentioned with four horses, three eighths of a dollar; for every other carriage of pleasure, under whatever name it may go, the like sum according to the number of wheels and horses drawing the same; for every cart or waggon, whose wheels do not exceed the breadth of four inches, one eighth of a dollar for each horse drawing the same; for every cart or waggon, whose wheels shall exceed in breadth four inches, and not exceed seven inches, one sixteenth of a dollar for every horse drawing the same; for every cart or waggon, the breath of whose wheels shall be more than seven inches, and not more than nine inches, or being of the breadth of seven, shall roll more than ten inches, two cents for every horse or ox drawing the same; and provided that the said last mentioned tolls shall not be demanded on any part of the said road as shall not be made and completed in the manner herein before directed, nor shall any person, their waggons, carts, carriages or animals, be compelled to pay the said tolls for passing the said several and respective gates on the said roads more than once in twenty-four hours.

Road, &c. vested, &c.

XVIII. AND BE IT ENACTED, That the said roads and tolls shall be and are hereby vested in the said corporation, and their successors, for ever; provided always, that the said corporation shall be obliged to keep the said roads in good repair; and provided further, that whensoever, at any time after the expiration of sixty years from the establishing and completing of the said roads, it shall seem expedient to the legislature to make the said roads and tolls established and made the property of the state, by a law to be enacted for that purpose, three commissioners shall be appointed by the legislature on the part of the state, and three by the corporation aforesaid, who, or any four or more of them, shall examine the accounts, and estimate what sum or sums of money the said corporation has expended and received, and the sum, if any, necessary to be added to their receipts to reimburse the said corporation the sums by them expended, with an interest of fifteen *per cent. per an.*

ital expended in completing ſaid roads, which ſaid ſum being paid to the ſaid corporation, the ds and tolls ſhall immediately thereon be the property of the ſtate.

Company to keep a juſt account, &c.

AND BE IT ENACTED, That the ſaid company ſhall keep a juſt and true account of all and he monies to be received by their ſeveral and reſpective collectors of tolls at the ſeveral gates npikes on ſaid roads from beginning to end, and ſhall make and declare a dividend of the ofits and income thereof, all contingent coſts and charges being firſt deducted, among all the ers to the ſaid company's ſtock, and ſhall, on every ſecond Monday in January and July in ear, publiſh the half yearly dividend to be made of the ſaid clear profits among the ſtock- and of the time and place when and where the ſame will be paid, and ſhall cauſe the ſame ade accordingly.

An abſtract to be laid before the aſſembly, &c.

AND BE IT ENACTED, That the preſident and directors ſhall, at the end of every third year e choice of the firſt directors as aforeſaid, until two years next after the whole road ſhall be ed, and every ſecond year thereafter, lay before the general aſſembly of this ſtate an abſtract accounts, ſhewing the whole amount of their capital expended in proſecution of the ſaid nd of the profits and income ariſing from toll for and during the ſaid reſpective periods, toge- h an exact account of the coſts and charges of keeping the ſaid roads in repair, and all other ent coſts and charges, to the end that the clear annual income and profits thereof may be ned and known; and if, at the end of two years after the ſaid roads ſhall be completed from nning to the end thereof, it ſhall appear, from the average profits of the ſaid two years, that income and profits thereof will not bear a dividend of ten *per centum* on the whole capital the ſaid company ſo expended, then it ſhall and may be lawful to and for the ſaid preſident ctors to increaſe the tolls herein allowed ſo much upon each and every allowance thereof as e the dividends to ten *per centum per annum*, in which increaſe they ſhall be regulated by the its of the preceding year.

Tolls may be reduced, &c.

AND BE IT ENACTED, That in caſe the ſaid tolls as hereby firſt eſtabliſhed ſhall, in any r from and after the term of two years after the completion of the ſaid roads, exceed in net he ſum of fifteen *per centum per annum*, then the legiſlature may, at any ſubſequent ſeſſion, n time to time, reduce the ſaid tolls, provided that when thus reduced they ſhall not yield rofits a leſs ſum than fifteen *per centum per annum*, and in making ſuch reduction they ſhall rned by the average of the clear income and profits ariſing from the tolls of the two years ceding ſuch reduction.

Tolls, if increaſed, may be reduced, &c.

. AND BE IT ENACTED, That in caſe the tolls ſhall be increaſed by the ſaid preſident and s, by virtue of the authority herein before given them, and when ſo increaſed, they ſhall ex- net profits the ſum of fifteen *per centum per annum*, that then and in ſuch caſe the legiſlature any ſubſequent ſeſſion, and from time to time, reduce the ſaid tolls, provided, that when thus they ſhall not yield in net profits a leſs ſum than fifteen *per centum per annum*, and in making uction they ſhall be governed by the average of the clear income and profits ariſing from the the two years next preceding ſuch reduction, clear of all expence.

Penalty for not complying, &c.

I. AND BE IT ENACTED, That in caſe the ſaid preſident and directors ſhall not comply with viſions of this act, in publiſhing an account of the expenditures and net proceeds ſemi- , and alſo in laying before the legiſlature every two years after the choice of the firſt , as aforeſaid, a ſtatement, upon oath, of their capital expended, and the profits ariſing from , they ſhall forfeit and pay, for each neglect, the ſum of five hundred dollars.

Proſecutions may be carried on, &c.

. AND, for the puniſhment of all offences created by this act, and committed by the corpo- r their agents, BE IT ENACTED, That proſecutions by action ſhall be carried on and proſe- ainſt the preſident in the county court of the county in which the ſaid preſident ſhall reſide; ines or forfeitures impoſed by this act, which may affect other perſons, ſhall be recovered by nt againſt the party offending in the county court of the county in which he or ſhe ſhall nd the ſame, when received, ſhall be paid to the ſtate, or to ſuch perſon or perſons to whoſe ame are by this act appointed; and if any perſon ſhall refuſe to pay the toll or tolls impoſed ct, at the reſpective places at which they may be demanded by law, or ſhall evade the pay- reof, by going round the toll-gates, ſuch toll ſhall be recovered by warrant, iſſued by any the peace of the county in which the payment of ſuch toll may be demanded by virtue of or of the county in which ſuch perſon ſhall reſide, and all ſuch juſtices are hereby authoriſed ired to iſſue ſuch warrants, on the application of the ſaid preſident and directors, or their

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agents or toll receivers, and to hear and determine the ſaid complaint, and to paſs judgme award execution thereon, in the ſame manner as they are authoriſed to proceed in other c the act, * entitled, An act for the ſpeedy recovery of ſmall debts out of court, and to rep acts of aſſembly therein mentioned.

Tolls may be leſſened, &c.

XXV. AND BE IT ENACTED, That the ſaid proprietors, or a majority of them, holding one thouſand ſhares, ſhall have full power, at any general meeting, to leſſen ſaid tolls, or de what article ſhall paſs free of tollage.

And may be farmed out, &c.

XXVI. AND BE IT ENACTED, That the ſaid preſident and directors ſhall have full pow authority, from time to time, to farm the ſaid tolls and toll-gates, or any of them, for ſuch t terms, during the continuance of the ſaid corporation, and upon ſuch conditions, as they, diſcretion, ſhall deem expedient, provided that the ſame ſhall be ratified and confirmed by the meeting of the ſtockholders that ſhall next happen thereafter.

Penalty for attempting to avoid payment, &c.

XXVII. AND BE IT ENACTED, That if any perſon ſhall drive any carriage or waggon, cart carriage of burthen, round any turnpike gate, with intentions to avoid the payment of the to if any perſon ſhall lead or drive his riding horſe, liable to tolls, round any ſuch turnpike gat intent to evade the payment of the toll, ſuch perſon, if a free man, ſhall forfeit and pay two for every ſuch offence, or if a ſervant or ſlave, the maſter or miſtreſs ſhall forfeit and pay one

Juſtice, in certain caſes, may iſſue precept, &c.

XXVIII. AND BE IT ENACTED, That if any part of the ſaid roads, bridges or cauſeway which tolls ſhall have been received, ſhall be and continue to be out of good and perfect or repair for the ſpace of five days, and information thereof ſhall be given to any juſtice of th of the neighbourhood, ſuch juſtice ſhall iſſue a precept, to be directed to any ſheriff, command to ſummon three judicious freeholders, to meet at a certain time in the ſaid precept to be me at the place in the ſaid road, bridge or cauſeway, of which complaint is made, notice o meeting ſhall alſo be given to the keeper of the gate or turnpike neareſt thereto; and the ſai ſhall, at ſuch time and place, by the oaths or affirmations of the ſaid freeholders, inquire the ſaid road, bridge or cauſeway, or any part thereof, are in ſuch good and perfect order an as aforeſaid, and ſhall cauſe an inquiſition to be made, under the hands of himſelf and of a of the ſaid freeholders, and if the ſaid road, bridge or cauſeway, ſhall be found by the ſaid tion to be out of order and repair, according to the true intent and meaning of this act, he ſh tify and ſend one copy of the ſaid inquiſition to each of the keepers of the turnpike gates which ſuch defective place ſhall be, and from thenceforth the tolls hereby granted to be col ſuch turnpikes or gates, for paſſing the interval of road between them, ſhall ceaſe to be de paid or collected, at ſuch turnpikes or gates, until the ſaid defective part or parts of the ſa bridge or cauſeway, ſhall be put in good and perfect order and repair as aforeſaid; and if th ſhall not be ſo put into good and perfect order before the meeting of the next court of the wherein the preſident of the company ſhall reſide, the ſaid juſtice ſhall certify and ſend a cop ſaid inquiſition to the judges of the ſaid court, and the ſaid court ſhall thereupon order *capi ſpondendum* againſt the ſaid preſident, to which the name of the attorney-general, or his depu be put, on which action the ſame proceedings ſhall be had as in other ſuits of law; and if it pear that the neglect charged in the ſaid inquiſition is well founded, the ſaid court ſhall give ment, according to the nature and aggravation of the neglect, and ſhall proceed to fine the ſ ſident and company in any ſum not exceeding two hundred dollars.

Shares may be transferred, &c.

XXIX. AND BE IT ENACTED, That it ſhall and may be lawful for every of the ſaid pro to transfer his or her ſhares, by ſuch deed, and in ſuch form, as the corporation by ordina direct.

Adminiſtrator may hold, &c.

XXX. AND BE IT ENACTED, That in caſe any perſon ſhall die inteſtate, holding any ſhares in the ſaid corporation funds, the adminiſtrator or adminiſtrators of ſuch inteſtate, or vivor or ſurvivors of them, ſhall hold the ſame intereſt in the ſaid funds, and be entitled to benefits thereof, as the ſaid inteſtate in his life ſhall have had or held therein, and ſhall be hereby authoriſed and empowered to transfer the ſame, or make ſale thereof, in his, her own name or names, and the ſame be ſubject to the ſame diſpoſition as other perſonal propert ſaid inteſtate.

Notice to be given, &c.

XXXI. AND BE IT ENACTED, That as ſoon as the ſaid company ſhall have perfected roads, or either of them, for any diſtance not leſs than ten miles, and ſo from time to time a

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nce progreſſively, they ſhall give notice thereof to the governor of this ſtate, who ſhall n appoint three ſkilful and judicious perſons to view and examine the ſame, and report to writing, whether the ſaid road is ſo far executed in a maſterly workman-like manner, ac- to the true intent and meaning of this act, and if their report ſhall be in the affirmative, governor ſhall, by licence under the ſeal of the ſtate, permit and ſuffer the ſaid company to fix ſuch and ſo many gates and turnpikes acroſs the ſaid road or roads as will be neceſſary t the tolls and duties herein granted to the ſaid company.

Directories to be erected, &c.

II. AND BE IT ENACTED, That the ſaid preſident and directors ſhall cauſe to be erected di- at proper and convenient ſituations, to note to all conductors or drivers of carriages on the roads aforeſaid, that they ſhall at all times paſs on the left of each other, under the penalty dollars for every offence, to be recovered and applied as aforeſaid.

Rights, &c. in certain caſes, may be reſumed.

III. AND BE IT ENACTED, That if the ſaid company ſhall not proceed to carry on ſaid work hree years after the paſſing of this act, and ſhall not within twenty years thereafter complete roads, according to the true intent and meaning of this act, then, in either of theſe caſes, nd may be lawful for this ſtate to reſume all and ſingular the rights, liberties and privileges, ranted to the company.

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Paſſed 20th of Jan. 1798.

CT to make a temporary allowance to the chancellor, in ad- ion to his ſalary as chancellor and judge of the land-office. Lib. . No 2. fol. 690.

Additional allowance.

ENACTED, *by the General Aſſembly of Maryland*, That the chancellor of this ſtate for the time g, as chancellor and judge of the land-office, ſhall be entitled to receive four hundred and dollars and fifty-ſeven cents, in addition to the permanent ſalary fixed by law.

The ſalary increaſed to £. 1,275 0 0 by 1798, ch. 86, which has the ſame continuance as this act.

When to be paid.

ND BE IT ENACTED, That the ſaid ſum ſhall be paid at the ſame time, and in the ſame man- ing the continuance of this act, as his permanent ſalary is by law directed to be paid.

Duration.

his act to continue and be in force till the twentieth day of October, eighteen hundred, and end of the next ſeſſion of aſſembly that ſhall happen thereafter.

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* 1791, ch. 70.

rther ſupplement to an act * to ſtreighten and amend the public ds in Harford county, and for other purpoſes. Lib. JG. No. 2. 691.

Preamble.

EREAS Abraham Jarrett and Hannah Croſmore have ſet forth by their petition to this eneral aſſembly, that they are much aggrieved by the road leading from the Upper Croſs Benjamin Amoſs's mill, in ſaid county, as laid out by the commiſſioners appointed under to which this is a further ſupplement, and praying a power may be veſted in the levy court ounty to appoint commiſſioners to review the ſaid road; therefore,

Court to appoint perſons, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Harford county ey are hereby empowered and directed to appoint, by warrant, five perſons, freeholders ents of ſaid county, to review the above deſcribed road, which ſaid perſons, ſo appointed id, ſhall and they are hereby directed and required, as ſoon as conveniently may be there- meet, examine and review, the above deſcribed road, as laid out, marked and bounded as , and if, upon ſuch review, they, in their judgment, ſhall be of opinion that the above de- bad, laid out as aforeſaid, ought to be altered, then they are hereby required to alter, lay ey, mark and bound the road aforeſaid ſo altered, and make return thereof agreeably to the s and regulations of the original act to which this is a further ſupplement; and the ſaid they ſhall approve the ſame, thereupon ſhall direct the ſaid road, ſo altered and laid out, ared and amended in the ſame manner as is directed by the ſaid original act.

Who ſhall take an oath, &c.

ND BE IT ENACTED, That the perſons to be appointed under and in virtue of this act ſhall, ey proceed to exerciſe the powers hereby given, take the oath preſcribed by the ſaid original

CHAP. LXXII.

act, and shall have the same allowance as the commissioners appointed under the act aforesa their actual services.

CHAP. LXXIII.

Passed 20th of Jan. 1798.

An ACT for building a new gaol in Baltimore county. Lib. No. 2. fol. 692.

Supplements 1798, ch. 87, ch. 110.

Preamble.

WHEREAS by the petition of sundry inhabitants of Baltimore county it is represented general assembly, that the public gaol of the said county is in a ruinous state, and in respect unfit for use, and that a new gaol ought to be erected in said county; therefore,

Committee incorporated, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Samuel Owings, James C John Merryman, James Carey and Nicholas Rogers, shall be commissioners for the purpose of ing a new gaol in the said county of Baltimore, upon the public ground in the city of Balt appropriated by law for the gaol and court-house of said county; (a) and the said commis or a majority of them, are hereby empowered to contract for materials, and to agree with wo to build and finish the said gaol, which, when completed, shall, by the said commissioners, be p the custody and possession of the sheriff of Baltimore county for the time being, and so shall and continue in the custody and possession of such sheriff, and his successors, as the public gaol said county of Baltimore.

(a) By 1798, ch. 87, the commissioners are empowered to receive, or purchase, some other lot to erect the gaol on, visions are made for condemning ground, &c. by 1798, ch. 110.

Money to be imposed, &c.

III. AND BE IT ENACTED, That the levy court of Baltimore county be and they are empowered and directed to impose annually on the assessable property of the said county the four thousand dollars current money, to be assessed, together with an allowance to the colle the same commission for collection that he receives for collecting the other county levy, whic so assessed, shall be collected by the collector of Baltimore county as other county taxes are co and when so collected, shall, by the said collector, be paid to the commissioners aforesaid, to plied by them, or a majority of them, towards erecting the said gaol; which said sum of four sand dollars current money shall be annually imposed, by the said levy court, on the a property of the said county, to be assessed, collected, paid and applied as aforesaid, until the r money be collected for the completing of the said gaol.

Materials may be sold, &c.

IV. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall be a are hereby authorised to sell any of the materials of the old gaol of said county, and the ear sand of the said public ground, and to apply the money thence arising to defraying the expe the new gaol.

How vacancies are to be filled.

V. AND BE IT ENACTED, That in case any of the said commissioners shall refuse to a resign, die, or remove out of the county, or be incapable to act, the remaining commissioners, major part of them, shall fill up such vacancy.

Commissioners to borrow money, &c.

VI. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall be a are hereby empowered to borrow, from time to time, such sum or sums of money as they m ceive to be necessary, at an interest not exceeding six *per centum per annum*, which said loan o shall be appropriated and applied by them to the erecting of the said gaol; and to receive the ment of the said sum or sums of money, with the interest thereon, the said commissioners and they are hereby authorised to assign and transfer to the lender or lenders thereof, any parts of the before-mentioned taxes, to be annually collected as aforesaid, which lender or shall, in such case, have all the rights and privileges in enforcing the payment to them of taxes that the commissioners should have had if such transfer had not been made.

Render account, &c.

VII. AND BE IT ENACTED, That the commissioners aforesaid shall annually render to th court of Baltimore county a particular account of the receipts and expenditures of all m trusted to them, and also the progress and state of the building.

And give bond &c.

VIII. AND BE IT ENACTED, That the commissioners aforesaid, before they proceed to the tion of the trust herein committed to them, shall give bond to the state of Maryland, w security, and in such sum, as shall be approved by the levy court of Baltimore county, co for the faithful performance of the several duties prescribed by this act.

IX.

CHAP. LXXIII.

AND, whereas by an act of assembly, passed at November session, seventeen hundred and ix,* entitled, An act for building a record-office, and securing and transcribing certain records ers, in Baltimore county, and rebuilding two bridges over Jones's falls, in Baltimore-town, county, it was among other things enacted, that the justices of Baltimore county court shall d assess, on the assessable property of said county, a sum not exceeding five hundred pounds, pplied to the building of a record-office in Baltimore-town: And whereas it has been repre- that such record-office will not be built; therefore, BE IT ENACTED, That the said sum of ndred pounds shall be and is hereby appropriated to the building of the said gaol, and that mmissioners mentioned in the aforesaid law shall and they are hereby directed to pay the said to the commissioners mentioned in this act, to be applied by them to the purposes of this

* Chapter 55.

Money appropriated, &c.

ND BE IT ENACTED, That seven of the justices of the peace of the said county of Balti- hall be considered a sufficient number to constitute a levy court for the purposes of this act; t the clerk of the said court shall, and he is hereby directed, immedietely after the passing of , to give notice to the justices of said county to meet for the purpose of imposing, and they eby directed to impose, on the assessable property of said county, agreeably to the provisions act, the sum of four thousand dollars, to be assessed and collected together with the tax laid levy court of said county at their last annual session.

Seven justices sufficient, &c.

CHAP. LXXIV.

ACT to enable the vestry of Saint-Peter's parish, in Talbot unty, to receive a deed of certain lands therein mentioned.

Passed 20th of Jan. 1798.

b. JG. No. 2. fol. 694.

HEREAS the said vestry have heretofore, to wit: in the years one thousand seven hundred and eight, and one thousand seven hundred and nine, received deeds of certain lands in county, adjoining a tract of land called Jenning's Hope, and a tract of land called Goldsbo- And whereas doubts are entertained, whether, upon a true location thereof, said lands, or ereof, are not included in the lines of the land called Jenning's Hope, and of the land called orough, no part of which was conveyed to the said vestry: And, whereas the said vestry have this general assembly that they may be authorised and empowered to receive a conveyance d to hold, the said tracts of land called Jenning's Hope, and Goldsborough, or any part , which the persons claiming the same may be willing to convey to the said vestry;

Preamble.

E IT THEREFORE ENACTED, *by the General Assembly of Maryland*, That the vestry of Saint- parish, in Talbot county, elected, or hereafter to be elected, under an act, (a) entitled, An the establishment of select vestries, and the acts supplementary thereto, be authorised and ered to receive a deed or deeds of gift, in the usual form of law, for the said tract or tracts called Jenning's Hope, and Goldsborough, or such part thereof as the person or persons g the same tract or tracts of lands may be disposed to convey to them; and that upon the ion of such deed or deeds, the said vestry, and their successors, shall be seized and possessed of ds so conveyed, in as full and ample manner, and of the same estate, title or interest therein, or equity, as the donor or donors in said deed or deeds may hold the same at the time of the ion of said deed or deeds; and the said lands shall, from thenceforth, be vested in the said and their successors, in the same manner as the glebe-lands of said parish are or might be in them by virtue of the said act, entitled, An act for the establishment of select vestries, and s supplementary thereof.

Vestry may receive a deed, &c.

(a) March, 1779, ch. 9, which is repealed, with its supplementary acts, by 1798, ch. 24.

CHAP. LXXV.

ACT to repeal an act, entitled, An act respecting the slaves of rtain French subjects, and for other purposes therein mentioned.

b. JG. No. 2. fol. 695.

T ENACTED, *by the General Assembly of Maryland*, That an act of assembly, entitled, An act specting the slaves of certain French subjects, passed at November session, seventeen hundred iety-two,* be and the same is hereby repealed, saving nevertheless to all and every person sons their several and respective rights acquired under the said act.

An act repealed.

* Chapter 56.

II. AND,

CHAP. LXXV.

Mayor, &c. may arreſt certain perſons, &c.

II. AND, whereas many of the ſlaves imported into this ſtate by the French ſubjects or citi mentioned in the ſaid act have been guilty of diſorderly conduct, and are ſuſpected to be dange to the peace and welfare of the city of Baltimore; therefore, BE IT ENACTED, That the may the city of Baltimore, with any two juſtices of the peace of Baltimore county, may and ſhall power and authority to arreſt and impriſon any negro or mulatto French ſlave found in the ſaid whom they may have reaſon, upon the information of one or more credible witneſſes, to ſuſpe be dangerous to the peace and welfare of the ſaid city; and if the owner of ſuch French ſlave, notice of the arreſt and impriſonment of ſuch ſlave for the ſpace of two weeks in one or more o news-papers of the ſaid city, ſhall not, within the period of three months, export the ſaid ſlav yond the limits of this ſtate, and give good and ſufficient ſecurity for ſo doing, it ſhall and m lawful for the ſaid mayor and juſtices, and they are hereby authoriſed and empowered, to baniſh ſend every ſuch ſlave to any one of the Weſt-India iſlands, there to be diſpoſed of as the ſaid m and juſtices ſhall order and direct.

And pay over the ſums, &c.

III. AND BE IT ENACTED, That in all ſales made under this act, the ſaid mayor and ju aforeſaid ſhall pay over the ſum or ſums, when received, to the proprietor or proprietors of ſlave or ſlaves baniſhed as aforeſaid.

Corporation to furniſh, &c.

IV. AND BE IT ENACTED, That the corporation of the city of Baltimore may and are he authoriſed to furniſh to the ſaid mayor and juſtices whatever monies may be neceſſary to carry act into execution.

CHAP. LXXVI.

Paſſed 20th of Jan. 1798.

An ACT to regulate the fees of the regiſters of wills in the ſeve counties of this ſtate. Lib. JG. No. 2. fol. 696.

No regiſter to take greater fees than allowed, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of Fe ry next no regiſter of wills in any county of this ſtate, his miniſters, ſervants or deputies reaſon or colour of his office, ſhall have, receive or take, of any perſon or perſons, directly or rectly, any other or greater fees which ſhall ariſe or become due for the performance of the duti his office, than are hereafter limitted and allowed by this act, under the penalty of one hundred fifty dollars for every offence; that is to ſay,

Fees aſcertained.

	Dols.	Cts.
For every probat of will, where no controverſy or letters granted, including demand and all oaths neceſſary thereto,		
For granting letters of adminiſtration, ſwearing the adminiſtrators, taking bond, iſſuing warrant to appraiſers, and warrant to ſwear them, or for probat of any will, granting letters teſtamentary, (if required) taking bond, iſſuing warrant to appraiſers to ſwear them,	3	20
Dedimus poteſtatem to take anſwer, per ſide, and ſo *pro rato*,		8
For recording wills, inventories, accounts, or copying the ſame, per ſide, computeing ſeven words to the line, and fifteen lines to a ſide, and ſo *pro rato*,		
Taxing and filing coſts,		8
Copy coſts, if demanded and delivered,		8
For drawing definitive ſentence on plenary proceedings, and recording the ſame, per ſide, and ſo *pro rato*,		8
A writ of execution on definitive ſentence, per ſide, and ſo *pro rato*,		8
Seal to definitive ſentence, if required,		30
Seal to a writ of execution of definitive ſentence,		30
Copy of every libel, anſwer, replication or rejoinder, per ſide, if demanded,		8

	Dols.	Cts.
Drawing depoſition of witneſſes, per ſide, and ſo *pro rato*,		80
Filing interrogatories, per ſide, and ſo *pro rato*,		
Every common citation, per ſide, and ſo *pro rato*,		
Every ſpecial citation, per ſide, and ſo *pro rato*,		
Every attachment,		
Attachment on decree, per ſide, and ſo *pro rato*,		8
Subpœna for coſts,		
Every appearance of the party,		
Entering of every return of proceſs,		
Quietus eſt, nothing.		
For a continuance or reference, to be charged to the libellant only,		8
For a ſearch of the record, the firſt year, nothing.		8
For every ſearch afterwards, be the time of what length ſoever, if the matter ſearched for be found,		8
Exemplification of letters teſtamentary or adminiſtration under ſeal,		30
Commiſſion or proclamation of rebellion,		30
Commiſſion to examine evidences, and commiſſion to auditors,		8
Scire facias,		

	Dols.	Cts.
ecum,		30
ng every motion in ſuits depending urt, and order thereon,		8
e one ſide, after the rate of per and ſo *pro rato*,		8
ng prayer for appeal,		10
every libel, anſwer, replication, ion or exhibits, where not record- for each,		4
cording or copying any matter or not herein enumerated, if re- ed by the party, per ſide, and ſo *ato*,		8
of ſequeſtration, and return, per and ſo *pro rato*,		16
every matter, if not recorded,		4
tering and taking executor's renun- on,		8
tering widow's renunciation,		8
ery oath,		4
ery certificate,		8
king out and filing the balance and bution of a deceaſed perſon's eſ-		60
king bond for ſecurity of ſaid ba- e,		40
For filing the ſame,	4	
For recording the ſame, per ſide, and ſo *pro rato*,	8	
For entering choice or appointment of guardian and approbation, with ſure- ties,	8	
For taking guardian's bonds,	40	
For filing the ſame,	4	
Recording the ſame, per ſide, and ſo *pro rato*,	8	
For taking recognizance for apprentice bound in court,	40	
For warrant to ſheriff to ſummon jury,	25	
For filing pannel of jury,	4	
Copy of the ſame,	8	
Filing every preſentment, and entering order thereon,	12	
For *ſcire facias* againſt executors or adminiſtrators for coſts,	40	
For every ſeal,	20	
For taking an appeal bond,	40	
For filing the ſame,	4	
Recording the ſame, per ſide, and ſo *pro rato*,	8	
For ſtating and paſſing every account,	80	
For every voucher,	4	

CHAP. LXXVII.

CT to regulate the time of holding the orphans courts in Dorcheſter county, and to repeal of the act of aſſembly therein mentioned. Lib. JG. No. 2. fol. 698.

CHAP. LXXVIII.

ACT to empower the veſtry of Shrewſbury pariſh, in Kent unty, to ſell the glebe-land belonging to the ſame. Lib. JG. o. 2. fol. 698.

Paſſed 20th of Jan. 1798.

HEREAS the veſtry of Shrewſbury pariſh, of Kent county, have petitioned this general aſ- ſembly for a law empowering them to ſell the glebe-land belonging to ſaid pariſh, for the of purchaſing other land in a more convenient and advantageous ſituation, and alſo to enable ſtry to repair the church and chapel in ſaid pariſh, which are in a ruinous condition; and have nted to this general aſſembly, that the ſaid veſtry poſſeſs no funds to defray the expence of ng ſaid church and chapel; therefore, Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the veſtry of ſaid pariſh be and they eby empowered to ſell ſaid glebe-land, and to apply ſuch part of the money ariſing from the reof as they deem proper to the purchaſe of other land for the uſe of ſaid pariſh, and the to the reparation of ſaid church and chapel; provided nevertheleſs, that the ſaid veſtry give nonths previous notice, by advertiſements ſtuck up at the court-houſe door for ſaid county, at each door of the church and chapel reſpectively, of the time and place of ſale. Veſtry may ſell, &c.

CHAP. LXXIX.

ACT to make a temporary allowance to the judges of the court appeals, in addition to their permanent ſalaries. Lib. JG. No. 2. . 699.

T ENACTED, *by the General Aſſembly of Maryland*, That each of the judges of the court of ap- ls ſhall be entitled to receive three hundred dollars, in addition to their permanent ſalaries law. Additional al- lowance.

By 1799, ch. 52, each judge is to receive an annual ſalary of one thouſand dollars, by quarterly payments.

II. AND

CHAP. LXXIX. When to be paid.

II. AND BE IT ENACTED, That the ſaid ſums ſhall be paid at the ſame time, and in the manner, during the continuance of this act, as their permanent ſalaries are by law directed paid.

Duration.

III. This act to continue and be in force until the twentieth day of October, eighteen hu and until the end of the next ſeſſion of aſſembly that ſhall happen thereafter.

CHAP. LXXX.

Paſſed 20th of Jan. 1798.

An ACT to empower the veſtry of Saint-Peter's pariſh, in T county, to rebuild or to pull down the old church, and bu new one, and for other purpoſes. Lib. JG. No. 2. fol. 700.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of the veſtry o Peter's pariſh, in Talbot county, that the old church in ſaid pariſh is in a ruinous ſt and have prayed that an act may paſs to enable them to rebuild or to pull down the ſame, an a new church on the ſame ground, or on the glebe-land, or on any ground which ſaid veſtry able to purchaſe, or ſhall be preſented to them for the purpoſe of building a new church up exceeding the quantity of two acres, and not diſtant from the preſent church more than two and the ſaid petition being thought reaſonable,

Old church may be pulled down, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the veſtry of Saint-Peter's in Talbot county, ſhall have full power and authority to pull down or rebuild the old church pariſh, as the ſaid veſtry, or a majority of them, ſhall think moſt for the intereſt and advan the pariſhioners; and that they ſhall have power to purchaſe any quantity of land, not ex two acres, or to receive the ſame from any perſon who may chooſe to preſent the ſame for t poſe of building a church upon; provided the ſame ſhall not be further diſtant than two mile the place where the old church ſtands.

New church, &c. veſted, &c.

III. AND BE IT ENACTED, That the new church, when built, with the pews therein, veſted in the veſtry of the ſaid pariſh, for the purpoſe of renting the ſaid pews for the ſupport miniſter, and for employing a clerk and ſexton for ſaid pariſh.

Juſtices to proceed, &c.

IV. AND BE IT ENACTED, That the juſtices of Talbot county court be and they are her quired, at their next court, to proceed as is required by an act of aſſembly paſſed in the year Lord ſeventeen hundred and four, chapter thirty-eight, to aſcertain the bounds of the chur chapel grounds in ſaid pariſh.

CHAP. LXXXI.

An ACT to enable the regiſter of Calvert county to record c proceedings in the records of the orphans court of the ſaid cou Lib. JG. No. 2. fol. 700.

Preamble.

WHEREAS by the repreſentation of the juſtices of the orphans court of Calvert county pears, that by the neglect of the late regiſter, Francis King, the wills and accounts fi year ſeventeen hundred and ninety-two, the inventories ſince the year ſeventeen hundred an ty, and the bonds ſince the year ſeventeen hundred and ninety-four, have not been record remain in a ruinous ſituation, by means whereof the titles of many eſtates in the ſaid county rendered precarious: And whereas it further appears, that the ſaid regiſter has neglected in caſes to enter the certificate or probat in the uſual form on many of the laſt wills, inventor accounts, in the ſaid office, although the ſame were regularly proved agreeably to law; for whereof,

Regiſter to record wills, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the regiſter of wills for county be and he is hereby authoriſed and empowered to record, in a book or books by h provided for that purpoſe, all the wills, accounts, inventories and bonds, which were in the of the ſaid Francis King at the time of his death, and which remained unrecorded; and wills, accounts, inventories and bonds, when ſo recorded, ſhall be, to all intents and purp valid as if the ſame had been done by the ſaid Francis King in his life-time.

III.

CHAP. LXXXI. In certain cases to enter a certificate, &c.

AND BE IT ENACTED, That in all cases where the said register Francis King has made any try, shewing that any last will or testament, inventory or account, was proved by any person ns, or has lodged any last will or testament, inventory or account, among the records of his e, it shall and may be lawful for the said register, under the direction of the orphans court aid county, to enter thereon a certificate of such probat in the usual form, and such certifi- made, shall be, to all intents and purposes, as good and available as if the same had been the said Francis King in his life-time.

And entitled to the same fees, &c.

AND BE IT ENACTED, That the said register, for his services in recording the said wills, ries, probats and accounts, shall be entitled to the same fees as are now allowed by law in s; and it shall and may be lawful for the said register to charge the person or persons, his, their legal representatives, with the same, to whom the same would properly have been ble by the said Francis King, and the said fees, so charged, to put in the sheriff's hands, to cted as other officers fees.

CHAP. LXXXII.

Passed 20th of Jan. 1798.

ACT for the relief of Stephen Zacharie, of the city of Balti- re. Lib. JG. No. 2. fol. 702.

Preamble.

WHEREAS Stephen Zacharie, by his petition to this general assembly, sets forth, that he is considerably indebted as a partner of Coopman and Vochez, trading under the firm of e, Coopman and company, and also in his private capacity, which debts he is unable to pay, illing and desirous to deliver up all his property to trustees, for the benefit of the creditors, yed an act might pass to exempt his person from arrest and imprisonment, on account of said And whereas the creditors have agreed to the same, on certain terms and conditions agreed e said Stephen Zacharie, and this general assembly are willing to carry into effect the agree- the parties,

S. Zacharie to deliver his property, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That the said Stephen Zacharie shall be red, and he is hereby required, to deliver possession of all his real and personal estate, of ature and kind soever, unto Archibald Campbell, David Williamson, James Dall, John khuysen and Joseph Sterett, on or before the tenth day of March next, and to convey, assign nsfer, to them, all bonds, notes, books, accounts and other vouchers, of any and all sums of or other property, due and owing to the said Stephen Zacharie on his separate account, and rm of Zacharie, Coopman and company.

And make a schedule, &c.

AND BE IT ENACTED, That the said Stephen Zacharie, at the time of delivering possession aid real and personal estate to the said trustees, shall also make a schedule of the same, and it to them, and make oath, to be annexed thereto, that the said schedule contains a true of all the real and personal estate, and debts due to him in his own right, and to the firm of e, Coopman and company, appearing by the books, papers and documents, of the said e, Coopman and company, in the possession or knowledge of the said Stephen Zacharie; and on and from thenceforth, for the period and on the terms hereafter mentioned, the said Zacharie shall be, and he is hereby acquitted, exonerated and discharged, of and from all nd demands now due and owing from him, either in his separate capacity, or as a partner of resaid Coopman and Vochez; provided, that any property hereafter acquired by the said Zacharie, by gift, devise, bequest, or in the course of distribution, shall be liable to the s.

Estate vested, &c.

AND BE IT ENACTED, That upon the assignment as aforesaid to the said trustees, they, or ivor or survivors of them, shall be and are hereby vested with the absolute estate and pro- , in and to the same, in trust, for the benefit of the creditors, to be applied and disposed of payment and satisfaction of the said creditors, in equal proportion, according to the amount respective claims; and the said trustees, or the survivor or survivors of them, shall have full nd authority to sell, convey and dispose of the same, or any part thereof, and to collect eive the said debts due and owing to the said Stephen Zacharie, or to Zacharie, Coopman pany, or if need be, to bring suit or suits at law or equity in their own names, or in the names of the survivor or survivors of them.

Expences to be paid, &c.

ND BE IT ENACTED, That in the execution of this trust, all reasonable or just expences or expended by the said trustees, or the survivor or survivors of them, shall be paid out of

CHAP. LXXXII.

the property before a diſtribution is made; and that the ſaid truſtees, or the ſurvivor or ſurvi them, ſhall, at the requeſt of the creditors, or any two or more of them, annually give them count of their proceedings under this act.

S. Zacharie to aid the truſtees, &c.

VI. AND BE IT ENACTED, That the ſaid Stephen Zacharie ſhall, and he is hereby requi aid and aſſiſt the ſaid truſtees, or the ſurvivors or ſurvivor of them, in the diſcharge of the du this act.

Creditors may inſtitute ſuits, &c.

VII. AND BE IT ENACTED, That it ſhall and may be lawful for any of the creditors of t Stephen Zacharie, or of Zacharie, Coopman and company, to inſtitute ſuits againſt him or the proſecute the ſame to final judgment, in the ſame manner as before the paſſage of this act, an herein to the contrary notwithſtanding, but that the court from whence the proceſs may iſſue and they are hereby directed, on motion, to diſcharge the ſaid Stephen Zacharie on commo and if the ſaid Stephen Zacharie ſhall be arreſted or impriſoned on any proceſs for an damages or coſts, contracted, owing, or growing due before the paſſage of this act, the court whom ſuch proceſs may be returned ſhall diſcharge the ſaid Stephen Zacharie out of cuſtod vided, that the diſcharge of the ſaid Stephen Zacharie ſhall not acquit any other perſon fr debt, damages or coſts, or any part thereof, but ſuch perſon ſhall be liable for the ſame in t manner as if this act had not paſſed; and provided alſo, that the ſaid Stephen Zacharie ſh obtain or have the benefit of this act, unleſs he ſhall comply with the proviſions contained firſt ſection of this act, and unleſs he ſhall, on or before the firſt day of February next, en bond to the ſaid truſtees, in ſuch ſum of money, and with ſuch ſecurities, as ſhall be appr by the preſidents of the reſpective banks in the city of Baltimore for the time being, or a m of them, not to depart from this ſtate without the conſent or approbation of the ſaid truſtee majority of them, in writing, for the ſpace of three years from the paſſage of this act; whic ſhall be lodged in the general court office, and be liable to be ſued by the ſaid truſtees, or the vors or ſurvivor of them, for the uſe of the creditors aforeſaid.

Benefits, &c. to ceaſe, &c.

VIII. AND BE IT ENACTED, That from and after the expiration of the ſaid three years, privileges, benefits, advantages, releaſements and diſcharges, extended or given to the ſaid S Zacharie, ſhall ceaſe, and he ſhall again be anſwerable to his own creditors, and to the credi Zacharie, Coopman and company, in the ſame manner, and liable to the ſame proceſs, as if t had not paſſed, except that any property, he, the ſaid Stephen Zacharie, may acquire, fr paſſage of this act until the expiration of the ſaid three years, ſhall not be liable to the cr except the property excepted in the ſecond ſection of this act, any thing herein contained contrary notwithſtanding.

Bail to be diſcharged, &c.

IX. AND BE IT ENACTED, That in all caſes where the ſaid Stephen Zacharie has given any ſuit or action, ſuch bail ſhall immediately, on the ſaid Stephen Zacharie's entering into h aforeſaid, be diſcharged in the ſame manner as if the ſaid Stephen Zacharie had been ſurre in diſcharge of his bail.

Releaſement delared void, &c.

X. AND BE IT ENACTED, That from and after the paſſage of this act, any releaſement charge that ſhall be made by the ſaid Stephen Zacharie to his own debtors, or to the debtors ſaid company, ſhall be and are hereby declared void.

CHAP. LXXXIII.

Paſſed 20th of Jan. 1798.

An ACT to appoint an agent for the year one thouſand ſeven h dred and ninety-eight. Lib. JG. No. 2. fol. 704.

An agent appointed, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That William Marbury be agent of thi to execute the truſt and power repoſed in him by virtue of this act from the firſt day of J one thouſand ſeven hundred and ninety-eight, until the firſt day of January, one thouſan hundred and ninety-nine.

To ſuperintend the collection of arrearages, &c.

II. AND BE IT ENACTED, That the ſaid agent ſuperintend the collection of all arrear balances due from the ſeveral collectors of the reſpective counties within this ſtate appoint the firſt day of January, ſeventeen hundred and eighty-three; and the ſaid agent is hereby riſed and required to call upon the treaſurers of the reſpective ſhores for an accurate ſtate all arrearages and balances due from ſuch collectors, and ſuch account ſhall be furniſhed ſaid treaſurers accordingly.

CHAP. LXXXIII. Of balances on the auditor's books, &c.

AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of s due to the ſtate on the auditor's books or on open account; and the ſaid agent ſhall have o require payment of, and, if neceſſary, to ſue for and recover the ſame; and the ſaid agent, e approbation of the governor and council, may make compoſition with any ſuch debtors, e bonds to the ſtate, with ſufficient ſecurity, and give time for payment, not exceeding two om the firſt day of January, ſeventeen hundred and ninety-eight.

And all monies due for duties, &c.

AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all due to the ſtate for naval duties, fines, penalties, forfeitures and amerciaments, and forfeited zances, and for ordinary, retailers and marriage licences, and to require payment, and (if y) ſue for and recover the ſame; and the ſaid agent may allow for inſolvencies, and credit ney that the party is not chargeable with by law, and, for his information of the law, he e the advice of the attorney-general in writing.

Notice to be given of ſales, &c.

ND BE IT ENACTED, That whenever there ſhall be occaſion to expoſe to public ſale the pro- any collector, or his ſecurities, by virtue of any execution already iſſued, or to be iſſued for poſe, the ſaid agent ſhall cauſe at leaſt thirty days public notice to be given of ſuch ſale, and end the ſame, and if it ſhall appear that there is danger of loſing any part of the debt due to , and not otherwiſe, ſhall purchaſe any property ſo expoſed to ſale for the uſe of the ſtate, in t, or part payment, as the caſe may be, of the arrearages due by the collectors whoſe property ſo purchaſed, and that no purchaſe authoriſed by this act ſhall be conſidered as made on the the ſtate, unleſs a public declaration to that effect be made by the agent or his deputy imme- after ſuch ſale and purchaſe; and any property ſo purchaſed for the uſe of the ſtate, the ſaid ay again expoſe to public auction, on the moſt advantageous terms for the uſe of the ſtate, and. me be ſold on credit, which ſhall in no caſe exceed the term of two years, the ſaid agent ſhall nd, with good and ſufficient ſecurity, to be approved of by the treaſurer of the weſtern ſhore, e purchaſers of ſuch property, and all bonds by him ſo taken ſhall be depoſited, with an ac- liſt thereof ſubſcribed by him, in the treaſury of the weſtern ſhore, and ſhall be a lien upon l property of ſuch purchaſers, and their ſecurities, from the reſpective dates, or ſo much as is mentioned in the ſchedule thereto annexed.

Agent to diſpoſe of property, &c.

AND BE IT ENACTED, That the ſaid agent is hereby directed to diſpoſe of all confiſcated Britiſh y that remains unſold, and take bonds to the ſtate, with ſufficient ſecurity, and give time for ment thereof, not exceeding two years from the firſt day of January, ſeventeen hundred and ight; and that where the quantity of land in any one body ſubject to ſuch ſale exceeds the of fifty acres, ſuch land ſhall be diſpoſed of at public ſale, of the time and place of which eaſt thirty days previous notice ſhall be given by public advertiſement; and that at the time ſale by virtue of this act, the ſaid agent ſhall make known that he only ſells the right of this reto, and that the ſtate doth not guaranty the title to the ſame, or any part thereof, but that haſe muſt be in all reſpects at the riſk of the purchaſer.

No payment to be valid, &c.

AND BE IT ENACTED, That no payment in future by any officer or perſon indebted to the ll be valid and effectual, unleſs made to the treaſurer of the weſtern or eaſtern ſhore, or to t for the time being, or unleſs made to the clerks and ſheriffs of the ſeveral counties, in the here the ſaid clerks and ſheriffs are by law authoriſed to receive the ſame.

Agent to take back property, &c.

AND BE IT ENACTED, That the agent ſhall have full power and authority, by and with the of the governor and council, in all caſes of uninſtalled debts, to take back any property re purchaſed by any perſon and not yet paid for, in caſes where the perſon ſo having pur- and his ſecurities, are not capable of paying for the ſame, and to compromiſe the ſame upon nd principles of equity and juſtice, by and with the advice and conſent aforeſaid; and the hereby required to lay a particular ſtatement of his proceedings under this ſection before ſeſſion of aſſembly.

And may compromiſe, &c.

ND BE IT ENACTED, That the agent, with the approbation and conſent of the governor ncil, be and he is hereby authoriſed and empowered to compromiſe any ſuit depending in with any ſtate debtor, upon any terms in their judgment calculated to promote the intereſt ate, and to obtain the ſpeedy receipt of the ſums due.

Property taken back may be ſold, &c.

ND BE IT ENACTED, That if, under the terms of any compromiſe made as aforeſaid, the heretofore purchaſed ſhould be taken back and reveſted in the ſtate, the ſame may be ſold by

CHAP. LXXXIII.

by the agent, and he is hereby authoriſed and empowered to ſell the ſame at public ſale, giving days notice, on a credit of two years, payable, one half of the principal, and the whole inter nually, on the firſt day of December in each year; and the bonds, when taken, ſhall be retur the treaſury of the weſtern ſhore, and reported to the general aſſembly at their ſeſſion next a the taking of ſuch bonds.

Agent to call on the attorney-general, &c.

XI. AND BE IT ENACTED, That all caſes in chancery, where no compromiſe under this effected, ſhall be placed under the direction of the agent, who is hereby authoriſed and requ call on the attorney-general to proſecute or defend the ſame to immediate final deciſion; a governor and council are hereby authoriſed and empowered, at the requeſt of the agent, in difficulty, to aid the attorney-general, by employing any perſon to attend to ſurveys where nec or otherwiſe to aſſiſt in the proſecution or defence of ſaid ſuits, which perſon or perſons are paid out of the contingent fund of five hundred pounds; and the names of the perſons ſo emp together with the ſum allowed for their ſervices, to be laid before the general aſſembly at the ſeſſion.

Debtors may be ſued, &c.

XII. AND BE IT ENACTED, That if any bond debtor to the ſtate for confiſcated proper chaſed, or otherwiſe, ſhall neglect to make payment, agreeably to the condition of his bond, and reſolves of the general aſſembly, the ſaid agent ſhall cauſe proceſs to iſſue for the whole princi intereſt then due, or ſhall proceed on any execution already iſſued, and ſerved and ſuſpended, caſion may require, or, under the direction and with the approbation of the governor and cil, he is hereby authoriſed to delay any execution as long as they may think expedient and ſary.

Agent to ſuperintend the collection, &c.

XIII. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection balances due on bond taken for taxes due before the firſt day of January, ſeventeen hundr eighty-three; and the ſaid agent ſhall alſo ſuperintend the collection of all balances due on inſtalled, or otherwiſe, for the emiſſions of paper money of ſeventeen hundred and ſixty-nin ſeventeen hundred and ſeventy-three.

No proceſs to iſſue, &c.

XIV. AND BE IT ENACTED, That no proceſs ſhall iſſue againſt any of the public debtors, by the direction of the ſaid agent.

Agent to fix days, &c.

XV. AND BE IT ENACTED, That the ſaid agent ſhall have power to fix ſuch days of ſale perty taken by *fieri facias*, at the ſuit of the ſtate, as he may think proper, always taking give at leaſt twenty days public notice thereof, and the ſaid agent ſhall alſo have power to the ſales, from time to time, as he may think moſt to the advantage of the ſtate.

And pay ſpecie.

XVI. AND BE IT ENACTED, That the ſaid agent ſhall pay into the treaſury, in ſpecie, the of all ſpecie by him received in the diſcharge of the duties of this act.

Bonds to be a lien.

XVII. AND BE IT ENACTED, That in all caſes where bonds ſhall be taken in virtue act, the bonds ſhall be a lien on all the real property of the obligors from the date thereof ſo much of the ſaid real property as the governor and council ſhall think ſufficient, to ticularly mentioned in a ſchedule to be annexed to the ſaid bond, in which caſe it ſhall be a the property contained in ſuch ſchedule, and no more, ſuch bond and ſchedule to be lodged w treaſurer of the weſtern ſhore.

And to expreſs the county, &c.

XVIII. AND BE IT ENACTED, That all bonds, taken in virtue of this act, ſhall expreſs the in which the obligors reſpectively reſide, and the treaſurer of the weſtern ſhore ſhall, wit month after he receives them reſpectively, cauſe them, with the ſchedule annexed to them recorded in the office of the clerk of the general court of the weſtern ſhore at the expence obligors; and a copy of the ſaid record, certified under the hand and official ſeal of the ſai ſhall be as good evidence in any court of law or equity in this ſtate as the original bond wou it was produced; and if any of the obligors in any ſuch bonds reſide on the eaſtern ſhore, treaſurer ſhall, within ſix months from the time he receives the ſame reſpectively, tranſmi clerk of the general court of the eaſtern ſhore, in the ſame manner as papers on public ſer tranſmitted, a copy of ſuch bonds and ſchedules, certified as aforeſaid by the clerk of the court of the weſtern ſhore, to be recorded in the office of the clerk of the general court of the ſhore, at the expence of the obligors, and, in ſuch caſe, a copy of the ſaid record, certified a ſaid by the clerk of the general court of the eaſtern ſhore, ſhall be good evidence as aforeſaid.

XIX.

CHAP. LXXXIII.

Agent to render quarterly accounts, &c.

AND BE IT ENACTED, That the ſaid agent ſhall render to the treaſurer of the weſtern ſhore quarterly accounts of his receipts of all money, certificates and bonds, in virtue of this act, ll immediately thereupon pay and deliver the ſame to the ſaid treaſurer, who ſhall, in his anport to the general aſſembly, ſtate fully and particularly the money, certificates and bonds, received from the ſaid agent, and the times when the ſame were received and accounted for.

A fair account to the general aſſembly, &c.

AND BE IT ENACTED, That the ſaid agent ſhall render a fair and full account of his ſeveeedings, under the authority of this act, to the general aſſembly at their next ſeſſion, and the firſt ten days after its commencement, in which account ſhall be ſpecified, under diſtinct his own receipts, and thoſe of the treaſurer, and of all transfers of ſtock upon which he may led to commiſſions, and in which ſhall alſo be contained a particular eſtimate of his commiſſiewing how and upon what the ſame aroſe due.

Commiſſion allowed.

AND BE IT ENACTED, That the ſaid agent ſhall be allowed for his ſervices the following ions, to wit: For all payments actually made to either of the treaſurers in virtue of this act, *er cent.* and for all bonds with ſecurity taken by the ſaid agent in virtue of this act, three provided that the whole amount of his commiſſion ſhall not exceed five hundred pounds curney, and he ſhall lay an account of the ſame, on oath, before the next ſeſſion of aſſembly.

The fifteen *per cent.* to be received, &c.

I. AND BE IT ENACTED, That hereafter it ſhall be the duty of the agent, and the treaſurers weſtern and eaſtern ſhores reſpectively, to receive, as well the fifteen *per cent.* intereſt, if any ve accrued, as all other arrearages that are now or may hereafter become due from fines, es and amerciaments, ordinary, retailers, marriage, hawkers and pedlers licences, and which *per cent.* ſo collected ſhall be the only fund out of which the agent ſhall draw his commiſſion *e per cent.* for collecting the ſame; provided, that the ſaid agent ſhall not be entitled to any on upon the monies ariſing from fines, forfeitures, amerciaments, ordinary, retailers, marrikers and pedlers licences, unleſs in caſes where the ſame ſhall not be paid by the ſheriffs and eſpectively to the treaſurer within one month after the time preſcribed by law, and unleſs the nt ſhall thereafter receive the ſame from the ſaid officers reſpectively, and the ſame pay to treaſurer.

Agent to give bond, &c.

II. AND BE IT ENACTED, That the ſaid agent, before he enters upon the execution of the f this act, ſhall give bond to the ſtate, before the governor and council, in the penalty thouſand dollars, with ſuch ſecurity as the governor and council ſhall approve, for the faithrmance of the ſaid duties, which bond ſhall be lodged with the treaſurer of the weſtern ſhore, l alſo take an oath, before the chancellor, that he will well and faithfully diſcharge the s agent, under the act, entitled, An act to appoint an agent for the year one thouſand ſeven and ninety-eight, to the beſt of his ſkill and judgment; the certificate of which oath ſhall xed to, or endorſed on, the ſaid bond.

How a vacancy is to be filled.

V. AND BE IT ENACTED, That if the ſaid agent ſhall not accept his appointment, or if, acceptance, he ſhall not give bond and take the oath aforeſaid before the firſt day of Febru, or ſhall die, the governor and council are hereby authoriſed and requeſted to appoint a fit er perſon in his place, who ſhall have and execute all the authorities and powers veſted in William Marbury by this act, ſuch perſon firſt giving ſecurity and taking the oath aforeſaid.

CHAP. LXXXIV.

Paſſed 20th of Jan. 1798.

ement to the act, * entitled, An act reſpecting the roads of Somerſet and Worceſter coun- Lib. JG. No. 2. fol. 710. Repealed by 1798, ch. 38, ſection 28.

* 1796, ch. 59.

CHAP. LXXXV.

CT declaring a certain road in Worceſter county a public hway. Lib. JG. No. 2. fol. 711.

Preamble.

EREAS ſundry inhabitants of Worceſter county have repreſented to this general aſſembly, hat a certain road in ſaid county, leading acroſs Pocomoke river from the Acquango road nds from Snow Hill, near Mary Parker's on the weſt ſide of ſaid river, to the Queponco the eaſt ſide of ſaid river, and paſſes near Eliſha Purnell's plantation, has been opened and at the expence of individuals, but is of great public convenience, and have petitioned that oad ſhould be conſidered a public road, and repaired as ſuch; and the prayer of the ſaid pepearing to this general aſſembly reaſonable and juſt, therefore,

II. BE

CHAP. LXXXV.

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Meſſieurs William Morris, [illegible] Purnell and James Houſton, be and are hereby appointed commiſſioners for the purpoſes of this [act], and the ſaid commiſſioners, or a majority of them, are hereby authoriſed to open and clear, at [leaſt] twenty feet wide, the ſaid road, and the ſaid road, ſo opened and cleared, (after the valuation [hereof] in after directed to be made, or the damages herein after directed to be aſſeſſed, ſhall be paid or [ſe]cured to the individuals concerned,) ſhall be recorded among the records of Worceſter county, [and] ſhall for ever thereafter be deemed a public road, and ſhall be kept in repair in the ſame manner [as] other public roads are kept in ſaid county.

Damages to be aſcertained, &c.

III. AND BE IT ENACTED, That the commiſſioners aforeſaid, or a majority of them, ſhall [ascer]tain and value what damages may be ſuſtained by any perſon or perſons through whoſe lands the [ſaid] road may paſs by opening and clearing the ſame, and the ſaid valuation ſhall be made and paid [before] the commiſſioners ſhall proceed to open and clear the ſame; and in caſe any proprietor or proprie[tress] ſhall conceive him, her or themſelves aggrieved by the valuation of the ſaid commiſſioners, or [ſhall] be an infant, *feme-covert*, or *non compos mentis*, it ſhall and may be lawful for the ſaid commiſſion[ers] on the application of any perſon intereſted, to apply to any juſtice of the peace for Worceſter [coun]ty, who ſhall thereupon iſſue his warrant, under hand and ſeal, to the conſtable of the hun[dred] wherein ſuch lands may be, commanding him to ſummon twelve freeholders, diſintereſted in the [ſaid] road, and not related to the owner or owners, to appear on a day by him to be appointed on the [ſaid] lands, at which time ſuch freeholders, ſo ſummoned, ſhall reſpectively appear before ſuch juſ[tice] and take the following oath, or affirmation, viz. "I, A. B. do ſwear, or affirm, that I will hon[eſtly]" "value the damage and injury ſuſtained by C. D. by opening a road through the lands of the" "C. D. in purſuance of this act, having regard to all the conveniencies and diſadvantages atte[nding]" "the ſame;" and ſhall return an inquiſition of ſuch damages by them aſſeſſed to the clerk of [the] county court of Worceſter, and the damages ſo aſſeſſed ſhall be concluſive.

To be paid to commiſſioners, &c.

IV. AND BE IT ENACTED, That the perſons who may conceive themſelves intereſted or benefi[ted] by ſaid road, are hereby required to pay into the hands of the commiſſioners aforeſaid, for the [uſe] the perſon or perſons in whoſe favour ſuch valuation may be made, immediately upon laying out [the] road aforeſaid, whatever damages be as aforeſaid adjudged to the party ſuſtaining ſuch damages, [and] in caſe of failure of payment as aforeſaid, this act to be null and void, but in caſe of compli[ance] with the proviſions of this act, the ſaid road to be conſidered a public road, and to be kept [in] other public roads in ſaid county.

CHAP. LXXXVI.

Paſſed 20th of Jan. 1798.

A Further ſupplement to an act, (a) entitled, An act to empower Sa[rah] Buchanan, executrix of Archibald Buchanan, deceaſed, Alexan[der] Cowan, Thomas Sim Lee, Daniel of St. Thomas Jenifer and Be[n]jamin Nicholſon, to ſell and diſpoſe of certain lands for the pu[r]poſes herein after mentioned. Lib. JG. No. 2. fol. 712.

(a) April, 1787, ch. 37.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the truſtees in the ſaid act men[tion]ed took upon themſelves the truſt by the ſaid act repoſed in them, and according to the di[rec]tions of the ſaid act did make ſale of the lands therein mentioned; and that all the truſtees in [the] ſaid act mentioned are ſince dead, except Thomas Sim Lee, Eſquire, and the before-mentioned Sa[rah] Buchanan, who hath ſince intermarried with a certain Robert Turnbull, of the commonwea[lth] Virginia: And whereas by a ſupplement to the ſaid act, the aforeſaid Thomas Sim Lee was au[tho]riſed to execute and acknowledge to the purchaſer or purchaſers of the ſaid lands, on the pur[chaſe] money for the ſaid property ſo ſold being paid, a deed or deeds, conveying the ſaid property [to] ſaid purchaſer or purchaſers in fee: And whereas the ſaid Thomas Sim Lee hath declined to exe[cute] a deed to one of the purchaſers of the ſaid lands, who had paid the whole of the purchaſe m[oney] for the lands by him purchaſed, and it being requiſite that when the purchaſe money is paid, [the] perſon ſhould be authoriſed and empowered to execute deeds for the ſaid lands,

Chancellor to execute a deed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the chancellor of the ſtate for [the] time being be and he is hereby authoriſed and empowered, on the purchaſe money for the ſaid pro[pe]rty ſo ſold being paid, to execute and acknowledge to the purchaſer or purchaſers of the ſaid [pro]perty a deed or deeds, conveying the ſaid property to the ſaid purchaſer or purchaſers in fee, which deed

ſo executed and acknowledged, ſhall be as good and effectual in law as if the ſaid deed or had been executed by any three or more of the truſtees in the act aforeſaid mentioned, any the law to which this is a further ſupplement, and the ſupplement thereto, to the contrary notwithſtanding.

CHAP. LXXXVII.

ACT for the direction of ſheriffs and coroners in the return of rors, and for the better regulation of juries. Lib. JG. No. 2. l. 713.

Paſſed 20th of Jan. 1798.

A Supplement 1798, ch. 94.

Preamble.

HEREAS the integrity, experience and intelligence of jurors, is indiſpenſably neceſſary for the due adminiſtration of juſtice: And whereas the ſheriffs frequently return jurors very inte to the diſcharge of the important duties aſſigned to them;

Sheriffs, &c. to take an oath, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That all ſheriffs and coroners within this already commiſſioned, ſhall, on or before the firſt Monday in March next, take the following r affirmation, (as the caſe may be,) before ſome judge or juſtice of the court of the county ch they may have been reſpectively commiſſioned, to wit: "I, A. B. do ſwear, or affirm, (as caſe may be,) that in ſummoning jurors to be returned to any of the courts of this ſtate, and in executing every writ or precept which ſhall come to my hands for the return of jurors, I uſe my utmoſt diligence to ſummon and return, as jurors, ſober and judicious perſons, of good tation, and qualified by the laws of this ſtate to ſerve as jurors, and to prevent any man being noned or returned by me, or by any officer under me, who in my judgment will be influenced termining any of the matters which ſhall come before him as a juror by hatred, malice or ill fear, favour or affection, or by any partiality whatever; and that I will not ſummon or reas a juror any perſon, who, in my opinion or to my knowledge, may be ſolicitous to be red upon the pannel of jurors;" and that they reſpectively return a certificate of ſuch oath, or ion, to the clerk of the court of the county for which ſuch perſon is commiſſioned as ſheriff, ner, within twenty days thereafter, there to be recorded by ſaid clerk, whoſe duty it is hereared to be to record the ſame amongſt the proceedings of the preceding county court; and caſe any ſheriff or coroner ſhall neglect to take ſuch oath, or affirmation, or return a certifiereof as aforeſaid, the perſon ſo neglecting ſhall forfeit and pay the ſum of fifty dollars, to vered by indictment before the diſtrict court of the county for which ſuch perſon is commiſand applied to the uſe of ſaid county.

No perſon to be ſummoned, &c.

AND BE IT ENACTED, That no perſon ſhall be ſummoned as a juror by any ſheriff or coroner ſtate to two general or county courts ſucceſſively.

Oaths to be taken, &c.

AND BE IT ENACTED, That every ſheriff and coroner hereafter commiſſioned within this ll, before he be allowed to proceed on the execution of his office, beſides the uſual oaths or ions as required by the conſtitution and laws of this ſtate, take the oath, or affirmation, (as may be,) above preſcribed, before ſome judge or juſtice of the court of the county for which rſon may be commiſſioned, and return a certificate of ſuch oath, or affirmation, to the clerk ourt of the county for which ſuch perſon may be commiſſioned, there to be recorded as afore-

Who ſhall not be ſummoned.

ND BE IT ENACTED, That the different ſheriffs or coroners of this ſtate, ſhall not, after the this general aſſembly, ſummon as a juror in any caſe, or return upon a pannel as a juror, any who may not have arrived to the age of twenty-five years, and who doth not poſſeſs the other tions required by the conſtitution and laws of this ſtate.

No juſtice exempt, &c.

AND BE IT ENACTED, That after the end of this ſeſſion of aſſembly, no juſtice of the peace exempt or privileged from being ſummoned and returned upon the pannel of jurors to the court, or general court of this ſtate, any former law to the contrary notwithſtanding.

Deputies not to ſummon.

AND BE IT ENACTED, That after the paſſage of this act, the ſheriffs of the ſeveral counties ſtate ſhall not permit their deputies, or any of them, to ſummon any juror or jurors whom e not directed them to ſummon.

VIII. AND

CHAP. LXXXVII. A pannel to be returned, &c.

VIII. AND BE IT ENACTED, That the ſheriffs of the ſeveral counties of this ſtate ſhall re to their reſpective county courts a pannel of forty-eight jurors, qualified as aforeſaid, out of the ſaid reſpective courts ſhall direct the clerk to draw, by ballot, twenty-three perſons, who ſh impannelled and ſworn to ſerve as grand jurors during the term to which they ſhall be ſumm and the perſons remaining upon the ſaid original pannel ſhall attend the court, and ſer petit jurors.

Twenty perſons to be drawn, &c.

IX. AND BE IT ENACTED, That in all civil caſes called for trial in the general and c courts, in which a jury ſhall be neceſſary, according to the laws and conſtitution of this ſtate, ty (a) perſons from the pannel of petit jurors ſhall be drawn, by ballot, by the clerks, und direction of the ſaid reſpective courts, and the names of the twenty perſons ſhall be written two liſts, and one of the ſaid liſts ſhall be forthwith delivered to the reſpective parties, or counſel in the cauſe, and it ſhall and may be lawful for each of the ſaid parties, or their counſ ſtrike out four perſons from the ſaid liſts, and the remaining twelve perſons ſhall thereupon be diately impannelled, and ſworn as the petit jury in ſuch cauſe; and if the ſaid parties, or counſel, or either of them, ſhall neglect or refuſe to ſtrike out from the ſaid liſts the number ſons hereby directed, it ſhall and may be lawful for the reſpective courts aforeſaid to direct clerks to ſtrike out from the liſt of the party or parties ſo neglecting or refuſing the number ſons herein before mentioned, and the remaining twelve perſons ſhall be impannelled, and ſwo aforeſaid; provided nevertheleſs, that nothing herein contained ſhall be deemed or conſtru take away the right of any perſon or perſons to challenge the array or polls of any pannel ret in the manner always allowed by the laws of this ſtate, or in any manner to affect or change the proviſions contained in the act, * entitled, A ſupplement to an act concerning petition freedom, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-three.

* Chapter 55.

The act of 1793, ch. 55, was repealed by 1796, ch. 67, which contains a clauſe reſpecting jurors in the caſe of petit ſame verbatim with that in the act of 1793.

(a) By 1798, ch. 94, taliſmen may be ſummoned where there would not be twenty, and (by agreement,) the draw pannel of twenty jurors may be diſpenſed with.

CHAP. LXXXVIII.

Paſſed 20th of Jan. 1798.

An ACT relating to the records in the regiſter of wills and cle offices in Queen-Anne's county. Lib. JG. No. 2. fol. 716.

Preamble.

WHEREAS it appears, by the report of Richard Tilghman and Robert Walters, two commiſſioners appointed by a reſolution paſſed at November ſeſſion, ſeventeen hundr ninety-five, to examine and report to the general aſſembly the ſtate of the records and papers clerk's and regiſter of wills offices in Queen-Anne's county, that the ſaid records and papers a ruinous ſituation, and that many original papers in the ſaid offices have not been recorded, a now in danger of being deſtroyed or loſt;

Chief juſtice to inſpect the records, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful f chief juſtice of the diſtrict in which Queen-Anne's county is ſituate, and he is hereby authoriſ requeſted, to inſpect the records and papers depoſited and filed in the clerk's office of ſaid co and to cauſe to be tranſcribed and recorded, by the clerk of the ſaid county, in good leather books, to which fair and regular alphabets ſhall be prefixed, all ſuch records and papers belong the ſaid office as in his judgment require to be tranſcribed or recorded.

Papers to be recorded, &c.

III. AND BE IT ENACTED, That it ſhall and may be lawful for the juſtices of the orphans of Queen-Anne's county, and they are hereby empowered and required, to cauſe to be record the regiſter of wills of ſaid county, in good leather bound books, to which fair and regular alp ſhall be prefixed, all ſuch papers filed in the office of the regiſter of wills of ſaid county, and have not been recorded, as they, or a majority of them, in their judgment, may deem neceſſ proper to be recorded.

Fees allowed.

IV. AND BE IT ENACTED, That the ſaid clerk and regiſter ſhall reſpectively be entitled ſame fees for tranſcribing any record, or recording any original paper, in purſuance of the di of the ſaid chief juſtice, or the ſaid juſtices of the orphans court, or a majority of them, now allowed by law for the performance of like ſervices.

Clerk, &c. to make out a fair account, &c.

V. AND BE IT ENACTED, That the ſaid clerk and regiſter ſhall, between the firſt and ſi days of April, in the year ſeventeen hundred and ninety-nine, and between the ſame days a

whole recording be completed, severally make out a fair and accurate account of the services respectively performed, in pursuance of this act; and the account of the said clerk, when examined and passed by the said chief justice, and the account of the said register, when examined and by the justices of the said orphans court, or a majority of them, shall be by them certified, under respective hands and seals, and transmitted to the justices of the levy court of Queen-Anne's who shall, at their next meeting for the purpose of laying the county levy, after receiving counts, assess and levy upon the assessable property in said county a sum of money, exclusive commission now allowed by law for collecting the same, sufficient to discharge the said accounts, se the same, when collected, to be paid to the said clerk and register respectively.

PROVIDED NEVERTHELESS, AND BE IT ENACTED, That no compensation shall be made by the nty to the said clerk or register of wills for recording any papers that shall have been deand filed in either of the said offices since the appointment of the said clerk or register to their pective offices; and provided also, that no judgment shall be recorded in virtue of this act. Proviso.

AND BE IT ENACTED, That it shall and may be lawful for the justices of the levy court of Anne's county, and they are hereby authorised and required, to make such allowance to the ef justice as they may think an adequate compensation for the services by him rendered in ce of this act, and to cause the same to be assessed and levied upon the assessable property in county. Justices to make allowance, &c.

AND BE IT ENACTED, That this act shall continue in force until the fifteenth day of April, ear eighteen hundred and one, and no longer. Duration.

CHAP. LXXXIX.

ACT for the valuation of real and personal property within this te. Lib. JG. No. 2. fol. 717.

Passed 20th of Jan. 1798.

A Supplement 1798, ch. 96.

T ENACTED, *by the General Assembly of Maryland*, That all real and personal property in this te, except property belonging to this state, or the United States, houses for public worship, grounds, or property belonging to any county, or to any college, or to any county school, ept also the crop and produce of the land in the hands of the person whose land produced the nd provisions necessary for the use and consumption of the person to whom the same shall beid his family, for the year, and plantation utensils, the working tools of mechanics and maers, actually and constantly employed in their respective occupations, wearing apparel, goods, nd merchandise, and all home made manufactures in the hands of the manufacturers, all stills, y money, all grain and tobacco, all licensed vessels whatever above twenty tuns burthen, and g carriages, shall be valued agreeably to the directions of this act, and shall be chargeable g to such valuation with the public assessment: Property to be valued, &c.

ND BE IT ENACTED, That five sensible, discreet and experienced persons, shall be appointed county of this state, who shall be called Commissioners of the Tax, and they, or any three of them, shall be the commissioners for the county for which they shall severally be appointfive persons as aforesaid shall be appointed, and called Commissioners of the Tax for the Baltimore, for the same time; provided, that no clergyman, practising attorney or physician, clerk of the general or any county court, ordinary-keeper, mariner or inspector, shall be apa commissioner or assessor. Commissioners to be appointed, &c.

AND BE IT ENACTED, That the following persons shall be and are hereby appointed commissir the several and respective counties of this state, and for the city of Baltimore, to wit: t-Mary's county, Richard Bond, Philip Ford, George Plater, John Armstrong and Thomas Reeder; for Kent county, Richard Tilghman, the fourth, Vincent Hatcheson, Benjamin rs, Nathaniel Comegys and Richard Ricard; for Anne-Arundel county, William Hall, the mes Disney, Thomas Worthington, John Brice and Richard Cromwell; for Charles county, er M'Pherson, Richard Bennet Mitchell, Benjamin Douglass, James Freeman and John ; for Calvert county, Joseph Wilkinson, Thomas Mackall, Frederick Skinner, Thomas Gray by Freeland; for Baltimore county, Charles Carnan, William M'Kubbin, Zachariah M'Kubliam Gwinn and Francis Snowden; for Talbot county, Samuel Chamberlaine, Henry Banmuel Dickinson, Henry Nicols and Hugh Sherwood; for Somerset county, John Leatherbuor, William Cottman, of Benjamin, John Dashiell, senior, Thomas Handy, of Sewell, and Their names.

CHAP. LXXXIX.

George Waters; for Dorcheſter county, Henry Hooper, Q. S. Richard Pattiſon, John E. Ge-
vin Woolford and George Ward; for Cæcil county, Hezekiah Ford, John Gilpin, Henry P.
James Mackey, ſenior, and Robert Evans; Prince-George's county, David Craufurd, Richard
ett, ſenior, Oſborn Sprigg, Clement Hill and Robert Bowie; for Queen-Anne's county,
Emory, Robert Walters, James R. Blunt, Richard E. Harriſon and Philip Fiddeman; for W
ter county Thomas Martin, ſenior, Samuel Handy, Philip Quinton, John Pope Mitchell a
ward Henry; for Frederick county, Joſhua Howard, John Gwinn, Thomas Hawkins, Peter
and Thomas Beatty; for Harford county, Thomas Johnſon, William Wilſon, Jeſſe Jarrett,
Weſtern and Henry Richardſon; for Caroline county, Francis Sellers, Thomas Maſon, ſenior,
Hardcaſtle, Valentine Green and Thomas Hughlett; for the city of Baltimore, William Go
ſenior, Thomas Elliott, Nicholas Rogers, George Salmon and Peter Sharpe; for Waſhington
ty, Alexander Clagett, Martin Kerſhner, Matthew Vanlear, William Good and Rezin Davi
Montgomery county, Thomas Cramphin, William Holmes, Thomas Davis, Richard Wootto
Allen Bowie; for Allegany county, Hanſon Briſcoe, John Read, Aquila A. Brown, John H
ard and Thomas Creſap.

Their oath.

IV. AND BE IT ENACTED, That every commiſſioner, appointed or to be appointed in vir
this act, ſhall, before he acts as ſuch, take the following oath, or affirmation, as the caſe may
wit: "I, A. B. do ſwear, or ſolemnly, ſincerely and truly declare and affirm, that as commi
"for ——— county, or the city of Baltimore, I will, to the beſt of my ſkill and judgment
"cute the duties of the ſaid office diligently and faithfully, according to the directions of the
"the valuation of real and perſonal property within this ſtate, paſſed at November ſeſſion, ſeve
"hundred and ninety-ſeven, and the directions of the act to aſcertain the value of the land
"ſeveral counties of this ſtate for the purpoſe of laying the public aſſeſſment, paſſed at Nov
"ſeſſion, ſeventeen hundred and eighty-five, without favour, affection or partiality; and that
"do equal right and juſtice, according to the beſt of my knowledge, in every caſe in which
"act as commiſſioner."

How vacancies are to be filled.

V. AND BE IT ENACTED, That if any one of the commiſſioners aforeſaid ſhall die, reſign,
neglect, or be rendered incapable to act, by removal out of the county or otherwiſe, the rem
commiſſioners, or a majority of them, may appoint ſome other in the place of the perſon wh
die, reſign, refuſe, neglect or be incapable to act; and if any three or more of the ſaid comm
ers ſhall die, reſign, refuſe, neglect, or be incapable to act as aforeſaid, the governor, with t
vice of the council, may appoint ſome perſon or perſons in his or their place, ſo as to make
number of three commiſſioners, and they ſhall fill up the remaining vacancies in manner afor
and the ſaid commiſſioners ſhall continue to act until their powers ſhall be ſuperſeded by ſome
act of aſſembly.

Duty of commiſſioners.

VI. AND BE IT ENACTED, That the commiſſioners of the tax ſhall meet, at the place whe
county courts are uſually held in their reſpective counties, on the twentieth day of January,
teen hundred and ninety-eight, or as ſoon thereafter as they may have notice of this act, and as
after as ſhall be neceſſary; and the ſaid commiſſioners, at their ſaid meeting, ſhall appoint a cler
alſo divide their ſeveral counties into diſtricts, of not leſs than two nor more than ten diſtricts
one county, and not leſs than two large or three ſmall hundreds in any one diſtrict, according to t
pulation and extent of the county, and ſhall appoint, in each diſtrict, one ſenſible and active p
an inhabitant of their county, to be aſſeſſor of the real and perſonal property in each diſtrict
the ſaid commiſſioners ſhall enter in a book to be kept for that purpoſe, the name of the perſ
pointed aſſeſſor in each diſtrict, and ſhall, immediately after ſuch choice, appoint a place an
not exceeding ten days thereafter, (of which five days notice ſhall be given by ſome one of the
miſſioners to each aſſeſſor,) for the ſaid aſſeſſors to appear before them, and at their appearanc
ſaid commiſſioners ſhall openly read, or cauſe to be read, ſuch parts of this act, and the act to
tain the value of the land in the ſeveral counties of this ſtate for the purpoſe of laying the
* 1785, ch. 53. aſſeſſment, * as relate to their duty, and ſhall adviſe them in what manner to make their aſſe
and in what form to return their certificates thereof, and how to perform the ſeveral duties re
of them by this and the before-mentioned act, according to the true meaning thereof; and th
commiſſioners ſhall alſo appoint a place and day, between the firſt and twentieth days of May
for the ſaid aſſeſſors to appear and bring in writing the ſeveral valuations of property in th
ſpective diſtricts in purſuance of this act.

An aſſeſſor to be appointed, &c.

VII. AND BE IT ENACTED, That the commiſſioners of the tax for the city of Baltimore ſh
point an aſſeſſor or aſſeſſors to value all the property lying in the precincts of the city of Balti

ame manner, and by the ſame rules, as the property in ſaid county, and the return or returns valuation ſhall be made to the commiſſioners aforeſaid, and not to the commiſſioners of the Baltimore, any thing in the aforeſaid act to aſcertain the value of the land in the ſeveral s of this ſtate for the purpoſe of laying the public aſſeſſment to the contrary notwithſtanding.

Commiſſioners to be governed by a former act, &c.

. AND BE IT ENACTED, That the ſaid commiſſioners, in their direction to the aſſeſſors by be appointed in virtue of this act, ſhall be governed in all reſpects by the proviſions and di- of the act, entitled, An act to aſcertain the value of the land in the ſeveral counties of this r the purpoſe of laying the public aſſeſſment, paſſed at November ſeſſion, ſeventeen hundred hty-five, * and of this act; and the ſaid commiſſioners ſhall not be obliged to alter the price e ſet on any lands in virtue of the aforeſaid act averaging the value of lands, except ſo much federal city as lies in Prince-George's county, which ſhall be valued agreeably to its preſent except on account of improvements erected thereon ſince the paſſage of the ſaid act, and ex- o in caſes where the value of the property has been diminiſhed by fire, or other unavoidable t, and except alſo in caſes where, on an appeal by the party intereſted, and on examination, all be of opinion the former valuation was erroneous and unjuſt; and the ſaid commiſſioners eby authoriſed to call on the clerks of their counties to deliver them a liſt of alienations from t day of June, one thouſand ſeven hundred and ninety-ſeven, to the firſt meeting of the ſaid ioners, and ſo from time to time as occaſion may require, and alſo to call on the clerks of unties for a liſt of all transfers of perſonal property which ſhall be recorded in their reſpec- ces, and which take place after the aſſeſſment of property in virtue of this act, from time to occaſions may require.

* Chapter 53.

Part of an act continued.

AND BE IT ENACTED, That the twelfth, thirteenth, fourteenth and fifteenth ſections of the titled, An act for the valuation of real and perſonal property within this ſtate, paſſed at No- ſeſſion, one thouſand ſeven hundred and ninety-two, * be and the ſame are hereby continued.

* Chapter 71.

Penalty on aſſeſſors for neglect, &c.

ND BE IT ENACTED, That if any perſon appointed an aſſeſſor in virtue of this act, and who cept of his ſaid appointment, ſhall neglect to return to the commiſſioners certificates for ſuch n of the real and perſonal property in his diſtrict, agreeably to this act, and the inſtructions o him, he ſhall, for every ſuch neglect, forfeit a ſum not exceeding fifty pounds current and if any perſon appointed an aſſeſſor ſhall not appear at the time appointed, or ſhall ap- d refuſe to ſerve, the ſaid commiſſioners, or a majority of them, ſhall appoint, by warrant heir hands, ſome other perſon, qualified as aforeſaid, as an aſſeſſor, in the room of the per- naking default, or refuſing to ſerve; and if ſuch perſon ſhall alſo make default, or refuſe to y may proceed to a new appointment, in like manner, and as often as neceſſary, until the be ſupplied; and if any aſſeſſor ſhall die, or be rendered incapable to act, before he ſhall lly completed his valuation, the ſaid commiſſioners ſhall, by warrant under their hands, e ſome perſon, qualified as aforeſaid, to be aſſeſſor in the room of the aſſeſſor ſo dying, or d incapable to act; and the ſaid commiſſioners, or a majority of them, ſhall, immediately er, ſend ſuch warrant to the perſon ſo nominated aſſeſſor.

Commiſſioners of the city of Baltimore to meet, &c.

AND BE IT ENACTED, That the commiſſioners herein before named and appointed for the Baltimore, or the major part of them, ſhall meet at ſome convenient place in the ſaid city, pointed by them, at the ſeveral and reſpective times herein before mentioned and preſcribed meetings of the commiſſioners of the ſeveral counties; and the ſaid commiſſioners for the city more, or the major part of them, ſhall then and there execute the ſeveral powers and duties ed to and required of the commiſſioners of the ſeveral counties by this act, and ſhall be liable me penalties for omiſſions or neglect of duty as are impoſed by this act on the commiſſioners everal counties.

And appoint a clerk, &c.

AND BE IT ENACTED, That the commiſſioners of the tax for the city of Baltimore ſhall t ſome convenient place in the ſaid city, at the time aforeſaid, or as ſoon thereafter as they e notice of this act, and then and there appoint a clerk, and one or more ſenſible and active inhabitants of the ſaid city, to be aſſeſſor or aſſeſſors of the real and perſonal property in city; and the ſaid commiſſioners ſhall meet, on the twentieth day of May next, at ſuch con- place in the ſaid city as they ſhall appoint, for hearing and determining appeals, and ſhall ſit days thereafter, (if neceſſary,) for the purpoſe aforeſaid, and ſhall hear and determine all plaints as may be made to them by any perſon apprehending himſelf aggrieved by the valua- e made as aforeſaid.

CHAP. LXXXIX.

Oath of aſſeſſor.

XIII. AND BE IT ENACTED, That every aſſeſſor ſhall, before he takes upon himſelf the exec of his office, take the following oath, or affirmation, as the caſe may be, to wit: "I, A. B. do "or affirm, that I will well and truly execute the duty of an aſſeſſor, and will faithfully, juſt "impartially, value all real and perſonal property which I ſhall be appointed to value, agreea "the directions of the act for the valuation of real and perſonal property within this ſtate, a "ing to the beſt of my ſkill and knowledge, and therein I will ſpare no perſon for favour or af "or any perſon grieve for hatred, malice or ill will;" which oath, or affirmation, any of the miſſioners of the tax, or any juſtice of the peace, may adminiſter.

Perſons to deliver an account of ſlaves, &c.

XIV. AND, for the diſcovery of all ſlaves, and their ages, BE IT ENACTED, That every owning any ſlave or ſlaves, or any perſon having the care and management of ſuch ſlave or ſhall deliver to the aſſeſſor of the diſtrict in which ſuch ſlaves live, when required by ſuch aſſeſ account of all ſlaves owned by him, or under his care or management, with the name and each, and ſuch account ſhall be dated and ſigned by the perſon making the ſame; and the aſſeſſo view and examine each ſlave, and diligently inquire into his or her age, if neceſſary, and retu account of the owner, or perſon having the management of ſuch ſlave, with his determination age, to the commiſſioners of the tax; and if any owner, or perſon having the management ſlave, ſhall omit to give in any ſlave, or wilfully leſſen or increaſe his age, ſuch owner or own perſon having the management of ſuch ſlave, ſhall pay double the tax on the real value of ſuch

And all other property, &c.

XV. AND, for the diſcovery of all other real and perſonal property liable to aſſeſſment by th BE IT ENACTED, That every perſon, when required by the aſſeſſors of the diſtrict in which her real and perſonal property, or the property under his or her care and management, lies give in to ſuch aſſeſſor a full and particular account of all his or her real and perſonal property ſame diſtrict, and of all real and perſonal property in his or her poſſeſſion, or under his or h and management, liable to aſſeſſment, and the name of the perſon to whom the ſame belongs; any perſon ſhall refuſe, or after reaſonable and convenient notice ſhall neglect, to render ſu count, he or ſhe ſhall forfeit a ſum not exceeding fifty pounds current money for ſuch refuſal glect; and the aſſeſſor ſhall, on his own knowledge, or the beſt information he can obtain, va property of ſuch perſon to the utmoſt ſum he believes in his conſcience the ſame may be w ready money, and ſhall certify to the commiſſioners of the tax the ſum ſo valued, and alſo the or neglect, and the ſaid commiſſioners ſhall double the aſſeſſment of ſuch perſon, and the ſa be collected as the public aſſeſſment; and if any perſon ſhall give in a partial account of his ſaid real or perſonal property under his or her care and management, or of the property in his poſſeſſion, with intent that the payment of the aſſeſſment or rate on any property omitted avoided, ſuch perſon ſhall forfeit the value of the property omitted.

Duty of aſſeſſor.

XVI. AND BE IT ENACTED, That every aſſeſſor ſhall inform himſelf, by all lawful wa means, of all real and perſonal property in his diſtrict, (except as before excepted,) and im mediately on ſuch information, proceed to value ſuch property agreeably to the directions of t and ſhall bring with him, at the time and to the place appointed by the commiſſioners for his ance, a certificate, in writing, of the particulars of all real and perſonal property in his diſtri of his valuation of the perſonal eſtate, and of ſuch real eſtate as he ſhall be directed to valu commiſſioners, in which ſhall be expreſſed the number of ſlaves of each deſcription within t and the weight of plate, and the value of each of the above ſpecies of property, and all ot and perſonal property, and the value thereof, and the amount of the value of the whole perſonal property of every perſon in his diſtrict, and the amount of the value of all real and p property in the diſtrict, and ſhall return, with his certificate, an alphabetical liſt of the nam perſons whoſe property he ſhall value; and if any aſſeſſor cannot diſcover the owner of any perſonal property in his diſtrict, he ſhall value and mention the ſame in his return, and note owner is unknown.

Valuation of ſlaves, &c.

XVII. AND BE IT ENACTED, That the following ſpecies of perſonal property ſhall be va the reſpective ſums following, to wit: Every male and female ſlave from eight to fourteen of age, fifteen pounds current money; and every male ſlave from fourteen to forty-five y age, forty-five pounds like money; and every female ſlave from fourteen to thirty-ſix years thirty pounds like money; male and female ſlaves under eight years of age, and male ſlave the age of forty-five years, and female ſlaves above the age of thirty-ſix years, to a true propo value to male and female ſlaves above or under thoſe ages; and ſhall return, in their certific number of negroes of each perſon above the ſaid ages, with their valuation; and if any ſl not be perfect in his limbs or ſight, or from the want of health, or any viſible infirmity,

red incapable to perform his uſual and proper labour, the aſſeſſor ſhall make a reaſonable abate- for ſuch caſes, and ſhall note the ſame in his return; and ſilver plate eight ſhillings and four- like money per ounce; and the other articles of perſonal property ſhall be left to the diſ- n and judgment of the ſeveral aſſeſſors, who ſhall eſtimate the ſame at its actual worth in money, made current by law; provided, that the ſaid aſſeſſors ſhall be at liberty, and are y directed, to eſtimate male ſlaves, who are tradeſmen, at ſuch value as they may adjudge them worth, regarding their reſpective trades, and their proficiency therein.

III. AND BE IT ENACTED, That no perſon, whoſe property ſhall not be aſſeſſed to the amount rty pounds current money, or who ſhall not have a free-hold of fifty acres of land, ſhall be liable chargeable with, any tax, aſſeſſment or charge, to be impoſed in virtue of this act. Perſons not liable, &c.

X. AND BE IT ENACTED, That there ſhall be allowed to every commiſſioner and clerk, ap- d or to be appointed in virtue of this act, the ſum of fifteen ſhillings current money for every ſhall act as commiſſioner or clerk, by virtue of, and according to, the proviſions of this act; here ſhall be allowed to every aſſeſſor to be appointed in virtue of this act, a ſum not leſs than ounds current money, nor exceeding forty pounds current money, in the diſcretion of the com- ners of the tax, according to the duty which he ſhall be required to perform; which ſums ſhall pectively laid by the juſtices of the ſeveral counties of this ſtate, and levied and collected by eriff or collector, in the diſcretion of the juſtices, in the ſame manner, and at the ſame time, other county charges are laid, levied and collected, with the uſual commiſſion for collecting me. Allowance to Commiſſioners, &c.

. AND BE IT ENACTED, That if any perſon, who ought to be aſſeſſed by virtue of this act y real or perſonal property, ſhall, by removing his or her effects from the county where they to have been valued, or by any other fraud or device, eſcape, and not be taxed, and the ſame ved before any one of the commiſſioners, or any juſtice of the peace for the county where ſuch reſides, at any time within one year next after his property ought to have been valued, every erſon ſhall be charged in the county where he or ſhe is found, upon proof thereof, double the of the ſum he or ſhe ought to have been rated by this act, and the ſame ſhall be collected from perſon by the collector of the county where he or ſhe ſhall be found; and if any perſon ſhall e his or her property as aforeſaid, for the purpoſe aforeſaid, and the ſame ſhall thereby, or by her fraud or device, eſcape being aſſeſſed, ſuch perſon, being thereof convicted in the county where he or ſhe ſhall reſide, ſhall forfeit and pay the ſum of fifty pounds current money. Penalty on perſons removing their effects, &c.

I. AND BE IT ENACTED, That the ſaid commiſſioners ſhall meet, on the twentieth day of ext, at the uſual place of holding their reſpective county courts, and ſhall ſit twenty days fter, if neceſſary, to hear and determine the complaints and appeals of any perſons who may themſelves grieved by their property being overvalued by any aſſeſſor, or by the commiſſioners; the ſaid commiſſioners ſhall not meet and ſit as aforeſaid, every commiſſioner failing therein rfeit and pay a ſum not exceeding twenty pounds current money, unleſs prevented by ſickneſs, r unavoidable accident; and if any perſon ſhall apprehend himſelf injured by the valuation property, and ſhall thereof complain to the ſaid commiſſioners, they ſhall, at the time of their to hear appeals, examine any perſon, or in their diſcretion the party complaining, on oath, or tion, as the caſe may be, touching the particulars or value of ſuch property, and, upon due nation or knowledge thereof, abate or increaſe the ſaid valuation, and a certificate of ſuch ent or increaſe ſhall forthwith deliver, or cauſe to be delivered, to the collector, who ſhall and levy the rate from ſuch perſon according to ſuch abatement or increaſe. Commiſſioners to meet, &c.

II. AND BE IT ENACTED, That the twelfth, thirteenth and fourteenth ſections of the act at November ſeſſion, one thouſand ſeven hundred and eighty-five, * entitled, An act to aſcer- e value of the land in the ſeveral counties of this ſtate for the purpoſe of laying the public ent, be and they are hereby repealed and made null and void. Part of an act repealed. * Chapter 53.

II. AND BE IT ENACTED, That no perſon ſhall be chargeable with the rate or aſſeſſment on operty which he may have aliened or transferred, but the ſame ſhall be chargeable to the per- o ſhall be entitled thereto, or have the poſſeſſion thereof by virtue of any alienation, transfer, ation of poſſeſſion; and the commiſſioners of the tax are hereby empowered and required, from time, as often as occaſion may require, in order to alter and correct the account of any who may have parted from the poſſeſſion of any property as aforeſaid, and the ſum which ſo taken off ſhall be charged to the perſon who may have purchaſed, or otherwiſe acquired the No perſon to be chargeable with property transferred, &c.

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the poſſeſſion of the property; and if the purchaſer, or perſon having acquired the poſſeſſion of property as aforeſaid, ſhall live in a different county, the ſaid commiſſioners ſhall make out a cate of ſuch change of property, and direct it to the commiſſioners of the tax for the county w ſuch perſon ſhall reſide, and the ſame ſhall deliver to the ſheriff of the county, endorſed as afore to be forwarded in the manner and under the penalty herein before mentioned, and the rate ſha charged to ſuch perſon acquiring poſſeſſion as aforeſaid, and be paid by him; provided, that no ſon ſhall have any allowance or deduction on account of property aliened or transferred as afore unleſs ſuch alienation, transfer, or mutation of poſſeſſion, ſhall take place on or before the firſt of April in any year, and unleſs notice thereof ſhall be given to the commiſſioners of the coun which ſuch property ſhall have been laſt charged; and provided alſo, that no perſon ſhall be en to any ſuch deduction on account of any ſuch change of property which ſhall take place in the ſeventeen hundred and ninety-eight, unleſs by judgment or decree executed before the firſt d April next.

Commiſſioners to call aſſeſſors before them, &c.

XXIV. AND BE IT ENACTED, That the commiſſioners of the tax ſhall have full power to cal ſeveral aſſeſſors before them at the time limitted for appeal, or at ſuch other times as they, in diſcretion, ſhall think reaſonable, for the purpoſe of correcting their valuation of property; and ſaid commiſſioners ſhall have full authority, and they are hereby directed, carefully to examine ſeveral certificates of valuation in their reſpective counties, and to correct the ſame, althoug complaint or appeal be made to them, ſo as to make the ſame as nearly equal as poſſible.

Aſſeſſors property to be valued, &c.

XXV. AND BE IT ENACTED, That the property of each aſſeſſor ſhall be valued by the com oners of his county, or of the city of Baltimore, as the caſe may be, or any one of them, before the twentieth day of May next, in the ſame manner as the real and perſonal proper other perſons by this act is directed to be eſtimated by the aſſeſſors.

Clerk to keep a fair account, &c.

XXVI. AND BE IT ENACTED, That the commiſſioners of the ſeveral counties ſhall direct clerk to enter in a book to be provided for that purpoſe, an accurate and fair account of all the and perſonal property within their county, and the valuation thereof as returned by the aſſeſſor as corrected by them, with an alphabetical liſt of the owners or perſons chargeable with the ment of ſuch property.

And make out a liſt, &c.

XXVII. AND BE IT ENACTED, That the clerk to the commiſſioners in each county ſhall, before the firſt Monday of July next, make out from the aſſeſſors certificates, and the correc thereof (if any) by the commiſſioners, a ſummary account or liſt, (in columns,) in which ſha expreſſed the number of ſlaves of each deſcription within this act, the weight of plate, and the of each of the ſaid ſpecies or kind of property, and all the other perſonal property, and the thereof, in each diſtrict, and the whole value in each diſtrict extended, and the amount of eac lumn, and ſhall lay the ſame before the commiſſioners, who, after correction thereof, if nece ſhall ſign and encloſe the ſame, endorſed for the public ſervice, to the clerk of the houſe of dele and ſhall, within ten days thereafter, under the penalty of fifty pounds current money on each miſſioner, deliver the ſame to the ſheriff of their county, to be by him forwarded as public le and under the like penalty, and ſhall alſo deliver to the clerk of his county court a duplicate th to be lodged among the records of the ſaid county, in eight days thereafter; and the clerk houſe of delegates ſhall enter the ſaid ſummary account in a book to be provided for the purpo keep the original in his office, and on the ſecond day of the next meeting of the general aſſembl ſhall lay the ſame before the houſe of delegates, for the inſpection of the members.

Duties not to be performed, &c.

XXVIII. AND BE IT ENACTED, That if any of the days appointed by this act for the per ance of any of the duties hereby required ſhall happen to be a Sunday, then ſuch duties ſhall be formed on the day following.

Suits, when to be brought, &c.

XXIX. AND BE IT ENACTED, That if any ſuit ſhall be brought againſt any perſon for any done in purſuance of this act, the ſuit ſhall be commenced within ſix months after the fact comm and the defendant in any ſuit ſhall plead the general iſſue, and give this act and the ſpecial ma evidence, and that the ſame was done in purſuance and by authority of this act; and if it ſha pear ſo to be done, or if any ſuit ſhall be brought after the time limitted, then the jury ſhall fi the defendant; and if the plaintiff ſhall become nonſuit, or ſuffer a diſcontinuance, or if a v ſhall paſs, or, upon demurrer, judgment ſhall be given againſt him, the defendant ſhall recover coſts, and have ſuch remedy for the ſame as any defendant hath for coſts of ſuit in other ca law.

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X. AND BE IT ENACTED, That from and after the paſſage of this act, every perſon who ſhall remove to any county within this ſtate from the county in which his property hath or may been aſſeſſed, or from any other place without this ſtate, and whoſe perſonal property hath not not have been aſſeſſed in the county to which he hath or may remove, every ſuch perſon ſhall, is hereby directed, when required by the collector of the county, or his deputy, in which his al property, or the property under his care and management, doth or may lie, to give to ſuch or, or his deputy, a full and particular account of his perſonal property in the ſaid county, and erſonal property in his poſſeſſion, or under his care and management, liable to be aſſeſſed, and before the time of ſuch requeſt ſhall not have been aſſeſſed in the ſaid county, and the name perſon to whom the ſame belongs, and if any perſon ſhall refuſe, or after reaſonable or con- notice ſhall neglect, to render ſuch account, he ſhall be ſubject to the ſame penalties im- on perſons refuſing or neglecting to deliver an account to any aſſeſſor under this act.

Perſons to give an account, &c.

XI. AND BE IT ENACTED, That the ſaid collector, or his deputy, ſhall, on his own know- or the beſt information he can obtain, value the ſaid property; that is to ſay, negroes and if any, according to the direction of this act, and all other property to ſuch ſum as he believes conſcience the ſame may be worth in ready money, and ſhall certify the ſame to the commiſſi- of the tax.

Collector to value property, &c.

XII. AND BE IT ENACTED, That every collector, or his deputy, ſhall inform himſelf, by all ways and means, of all perſonal property as aforeſaid in his county, (except the property by excepted,) and ſhall immediately on ſuch information proceed to value ſuch property agree- the directions of this act, and ſhall return, at the time and at the place to be appointed by miſſioners of the tax of the county of which he is collector, a certificate, in writing, of the lars of all the ſaid perſonal property in his county, and of his valuation of the ſame, in which expreſſed the number of ſlaves of each deſcription, agreeably to this act, and the weight of nd ſhall return, with his certificate, an alphabetical liſt of the names of all ſuch perſons roperty he ſhall value.

Inform himſelf of all perſonal property, &c.

XIII. PROVIDED ALWAYS, AND BE IT ENACTED, That every collector, or deputy-collector, be- proceeds on the duties by this act impoſed, ſhall take the following oath, or affirmation, as may be, to wit: "I, A. B. do ſwear, or affirm, that I will well and truly execute the du- impoſed on me by an act, entitled, An act for the valuation of real and perſonal property n this ſtate, and will juſtly and impartially value all perſonal property which I ſhall be autho- to value, agreeably to the directions of the act for the valuation of real and perſonal proper- thin this ſtate, according to the beſt of my ſkill and knowledge, and therein I will ſpare no n for favour or affection, or any perſon grieve for hatred, malice or ill will;" which oath, or ion, any of the juſtices of the peace, or commiſſioners of the tax, may adminiſter.

And take an oath, &c.

XIV. AND BE IT ENACTED, That there ſhall be allowed to each collector, for the perform- the duties by this act impoſed on him, ſuch a ſum as the commiſſioners of the tax, in their on, ſhall think reaſonable and proper, according to the duty which he ſhall actually perform, ums ſhall be reſpectively laid by the juſtices of the ſeveral counties of this ſtate, and levied ected by the ſheriff or collector, in the ſame manner, and at the ſame time, that other coun- es are laid, levied and collected, with the uſual commiſſion for collecting the ſame.

Allowance to collector, &c.

XV. AND BE IT ENACTED, That any perſon, whoſe property ſhall be valued by a collector, y-collector, as aforeſaid, ſhall have the ſame right to appeal that is granted to other perſons nder this act.

Perſons may appeal.

XVI. AND BE IT ENACTED, That the regiſters of the weſtern and eaſtern ſhore land-offices ely ſhall, between the firſt day of March and firſt day of April next, make out, for the com- s of the tax in each reſpective county, a liſt of all grants which have iſſued, or may iſſue the fifteenth day of March, ſeventeen hundred and ninety-ſeven, and fifteenth day of March, n hundred and ninety-eight, expreſſing the name of the land, the quantity therein contained, grantee, and, in caſe of reſurvey, the name of the original tracts, and the quantity of acres cy added; and ſhall alſo make out, for the ſaid commiſſioners, between the days firſt afore- d, a liſt of all certificates which have become ready for patent ſince the fifteenth day of eventeen hundred and ninety-ſeven, expreſſing the name of the land, the quantity it con- d the perſons who are entitled to patents, and in caſe of reſurvey, ſhall expreſs the names iginal tracts, and the quantity of vacancy added.

Regiſters to make out liſts, &c.

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Lists to be made out annually, &c.

XXXVII. AND BE IT ENACTED, That the registers of the land-offices on the western and eastern shores respectively shall, after the year seventeen hundred and ninety-eight, annually, to wit, between the first day of January and first day of March, make out for the commissioners of the tax, a list of all certificates which have become ready for patent, expressing the name of the the quantity it contains, and the person who is entitled to patent, and in case of resurvey, express the names of the original tracts, and quantity of vacancy added.

Clerks to make out lists, &c.

XXXVIII. AND BE IT ENACTED, That the clerk of the general court of the western and eastern shore respectively, shall be and they are hereby directed and required, on or before the first day April next, to make out, from the records of deeds enrolled at length among the records of the respective courts, lists of the alienations of all land thereby granted, bargained or sold, since the day of January, in the year seventeen hundred and ninety-two, which list shall express the name the bargainor or grantor, or bargainors or grantors, bargainee or grantee, or bargainees or grantees the land, and the quantity of acres the same may contain, and shall enclose and direct the same under seal, to the commissioners of the tax of the county where such lands may lie, to be forwarded as other public letters are by law directed to be forwarded, and under the like penalties; and the clerks of the general court of the western and eastern shores respectively shall, annually thereafter between the first day of March and the first day of April, in like manner make out, from the records of deeds as aforesaid, lists of the alienations of all lands which shall from time to time be granted, bargained or sold, and recorded, to be directed, delivered and forwarded, in like manner.

Lists to be enclosed, &c.

XXXIX. AND BE IT ENACTED, That the register of the land-office for the western shore shall enclose and deliver the list made out as aforesaid, directed to the commissioners of the tax for the respective counties, endorsed on public service, to the sheriff of Anne-Arundel county, to be by him transmitted as public letters; and the register of the eastern shore land-office shall enclose and deliver the list made out as aforesaid, endorsed in like manner, to the sheriff of Talbot county, who shall transmit the same as public letters to the respective counties.

Register's allowance.

XL. AND BE IT ENACTED, That the register of the land-office for the western shore shall be entitled to receive thirty dollars every year for his services under this act, and the register of the eastern shore twenty dollars for his services under this act, to be paid annually by the treasurers of the respective shores out of any unappropriated monies in their treasury.

Rules to be observed, &c.

XLI. AND BE IT ENACTED, That the commissioners, in estimating estates and interest in lots and town lots, shall observe the following rules, to wit: That all lands held or enjoyed immediately by tenants in fee-simple absolute, or fee-simple conditional, or executory, or fee-tail, shall be valued to such tenants; and where divers persons have particular estates or interests carved out of the same inheritance, as in dower or by the courtesy, or for life, or for any term of years exceeding five, with reversions or remainders for life, in tail or fee-simple, a just computation thereof shall be made, in proportion to the value of their particular interests therein, so that, added together, they shall amount to the full value of such lands, estimated agreeably to the directions of this act, and no more; and the said commissioners shall, in making their computation aforesaid, consider the tenant in dower, by the courtesy, or for life, in possession, or estate for fifteen years without any value rent reserved, generally worth half the value of the fee-simple, but they may vary from this general rule as justice may require, considering the age and health of the tenant in dower, by the courtesy or for life, and the chance of the remainder or reversion, or the length of the term for years, as the case may be; and if the tenant or person holding a particular estate or interest shall pay to the public the sum valued for the estate or interest of any landlord, reversioner or remainder-man, the person so paying may retain the land in his possession until he is repaid, or may have his action against the lessor, reversioner or remainder-man, or his heir, executor or administrator, for the sum of money he shall so pay, as for money paid for his use, or may deduct the money so paid, or any part thereof, out of any rent reserved upon his tenancy, unless otherwise agreed between the lessor and lessee.

This section is altered by 1798, ch. 96, which directs that the estates of tenant in dower, by the courtesy, or for life, shall be assessed in the same manner as estates in fee-simple, and exonerates the reversioner, &c. of such estates from the payment of tax which may be levied on them.

Part of an act repealed.

* 1785, ch. 53.

XLII. AND BE IT ENACTED, That the sixth, seventh and eighth sections of the act* to ascertain the value of the land in the several counties of this state for the purpose of laying the public assessment, shall be and are hereby repealed.

XLIII.

I. AND BE IT ENACTED, That the commiſſioners of the reſpective counties, and of the city more, ſhall cauſe all leaſehold and other temporary eſtates within the ſaid counties, and the city of Baltimore, to be aſſeſſed and valued agreeably to the directions of this act, and as the ſame ſhall be completed, the former valuation thereof ſhall ceaſe. Leaſehold eſtates to be aſſeſſed, &c.

V. AND BE IT ENACTED, That the act paſſed at November ſeſſion, ſeventeen hundred and wo, entitled, An act for the valuation of real and perſonal property within this ſtate, (a) he twelfth, thirteenth, fourteenth and fifteenth ſections of ſaid act, an act paſſed at Novem- on, ſeventeen hundred and ninety-three, (b) entitled, An act to explain an act, entitled, An he valuation of real and perſonal property within this ſtate, paſſed at November ſeſſion, ſeven- ndred and ninety-two, an act, (c) entitled, A ſupplement to an act for the valuation of real ſonal property within this ſtate, and an act (d) directing returns to be made to commiſ- of the tax in the ſeveral counties of this ſtate, be and the ſame are hereby repealed. Several acts repealed.

(a) Chapter 71. (b) Chapter 61. (c) 1794, ch. 51. (d) 1795, ch. 85.

CHAP. XC.

ACT for the more effectual collection of the county charges in e ſeveral counties of this ſtate. Lib. JG. No. 2. fol. 733.

Paſſed 20th of Jan. 1798.

T ENACTED, *by the General Aſſembly of Maryland*, That in all caſes hereafter, where any lands any county of this ſtate may become charged for the payment of county taxes, and the col- f ſuch county can find no perſonal property in the ſaid county liable for, or chargeable with, ment of the ſame, the ſaid collector ſhall and he is hereby directed and required to return to mmiſſioners of the tax for the ſaid county, at their annual or adjourned meeting or meetings, ch other time or times as the commiſſioners, or a majority of them, ſhall require or direct, a uch tract or tracts of land, lot or lots of land, and the amount of the taxes thereon reſpec- ue, together with the name or names of the perſon or perſons reſpectively chargeable with ment of the ſame. A liſt of certain lands to be returned, &c.

ND BE IT ENACTED, That if the collector of any county ſhall omit or neglect to return a aforeſaid, upon being thereto directed in writing by the commiſſioners of the tax of ſuch or a majority of them, he ſhall forfeit and pay a ſum not exceeding one hundred dollars, to cted out of the commiſſion ariſing to ſuch collector from the collection of ſuch county, and pplied to the uſe of ſaid county, in ſuch manner as the juſtices of the levy court, or a ma- f them, ſhall direct. Penalty for neglect, &c.

AND BE IT ENACTED, That it ſhall and may be lawful for the commiſſioners of the tax of unty, or a majority of them, and they are hereby directed and required, to cauſe advertiſe- expreſſing the name or names of ſuch tract or tracts, or the number or numbers of ſuch lot or land, and the amount of the taxes thereon reſpectively due, together with the name or names perſon or perſons reſpectively chargeable for the ſame, to be inſerted at leaſt once per week during four weeks in ſome one of the Baltimore papers, and in the paper that may be moſt ent to ſaid county, notifying, that unleſs the county charges due on the lands as aforeſaid paid to the collector of ſaid county within the ſpace of thirty days after the publication of ice aforeſaid is completed, the land, ſo charged as aforeſaid, or ſuch part thereof as may be y to raiſe the ſum due thereon, ſhall be ſold to the higheſt bidder for the payment of the ſame. Commiſſioners to advertiſe, &c.

AND BE IT ENACTED, That in all caſes where the county charges of any county as aforeſaid t be paid by the day or time mentioned in ſuch advertiſements, it ſhall and may be lawful for miſſioners of the tax of ſuch county, or a majority of them, and they are hereby authoriſed uired, to direct the collector of ſuch county, after twenty days previous notice at the court- oor, and at the moſt public places in ſuch county, to ſell to the higheſt bidder ſuch tract or f land, or ſuch lot or lots of ground, or ſuch part or parcels thereof as may be ſufficient to ge the taxes thereon due, and the ſame when ſold to transfer, by deed of bargain and ſale, urchaſer thereof; provided, that nothing herein contained ſhall be conſtrued to authoriſe or er the collector of ſuch county to ſell more of any tract or tracts of land than may prove ſuf- to diſcharge the taxes and legal charges thereon due; and provided alſo, that nothing herein ed ſhall be conſtrued to authoriſe or empower the collector of ſuch county to ſell more of any ground in any town or city in ſuch county than may be ſufficient to diſcharge the taxes and arges thereon due, unleſs the commiſſioners of the tax of ſuch county, or a majority of them, of opinion that ſuch lot will not admit of diviſion without material injury to the owner there- And direct the collector to ſell, &c.

CHAP. XC.

of, and shall previously authorise the collector to make the sale thereof to the extent of gr sold, and unless an entry of such authority to such collector be previously made upon the minu the proceedings of such commissioners.

Collectors to make a return, &c.

V. AND BE IT ENACTED, That the collectors shall, within two weeks after making any s real property for the purposes aforesaid, make return to the clerk of the commissioners of all proceedings in relation thereto; and that where, from the sale of any lot or part of a lot of g in any town or city agreeably to the provisions of this act, any collector shall receive more m than may be sufficient to satisfy the taxes and other legal charges thereon due, such collector within two weeks after such sale, deposite, for safe keeping, such overplus of money, after all s sary charges deducted, in the hands of the clerk of the county for which such person may be c tor; and that the money lodged in the hands of any clerk in pursuance of this act shall be safely by him, and paid to the person entitled to receive the same, upon demand, or may be drawn b commissioners of the tax of the county to satisfy other arrearages of taxes, in case any should accrue whilst the said money shall remain in the hands of the clerk as aforesaid.

Powers vested, &c.

VI. AND BE IT ENACTED, That all the powers and authority hereby given or granted t commissioners of the tax in the several counties of this state be and the same are hereby vested commissioners of the tax for the city of Baltimore.

Not to affect a former act, &c.

* Chapter 8.

VII. AND BE IT ENACTED, That nothing in this act shall be construed to affect the provisi an act, entitled, An act for the more effectual collection of the county charges in Allegany co passed at November session, seventeen hundred and ninety-six, * or in any manner to extend operation to Allegany county.

Duration.

VIII. This act to continue and be in force until the year eighteen hundred and two, and t end of the next session of assembly that shall happen thereafter.

CHAP. XCI.

Passed 20th of Jan. 1798.

An ACT to lay out and establish a road from the city of Annapolis to the city of Washin Lib. JG. No. 2. fol. 735. Repealed by 1798, ch. 80.

CHAP. XCII.

An ACT for erecting a bridge over the Eastern Branch, or An costia river. Lib. JG. No. 2. fol. 736.

B. Stoddert, &c. to open books, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That Benjamin Stoddert, Thomas La John Templeman, or any two of them, be authorised to open books for receiving and en subscriptions for erecting a bridge over such part of the Eastern Branch as they, or a majo them, shall judge most convenient and beneficial to the public, and shall receive subscriptions t amount of twenty thousand dollars, for the completion of said bridge, and such causeways as m deemed by them necessary for making a sufficient road to or from the said bridge, which subscr shall be made in shares of one hundred dollars each; and whenever the said twenty thousand d or so much thereof as the said before-mentioned persons, or a majority of them, shall judge sufficient for the purpose aforesaid shall be subscribed, three weeks notice at least shall be given George-town paper, requiring a meeting of the said subscribers in George-town, and a majo such meeting, provided two thirds of the said shares be therein represented, are hereby auth and required to elect, by ballot, three of the said subscribers, to be directors for managing a concerns of the said company for and during the term of one year next ensuing.

Subscribers incorporated. &c.

II. AND BE IT ENACTED, That all the said subscribers, and their heirs and assigns, from the of the said first meeting, shall be, and are hereby declared to be, incorporated, by the name o Annacostia Bridge Company, and may sue and be sued as such; and the proprietors are here quired to meet at George-town on the first Monday of January in every year thereafter, and three directors to conduct and manage the concerns of the said company for one year; and first election, as well as in every election thereafter, each proprietor shall be entitled to one vo every share he shall subscribe, and any proprietor may, by writing under his hand, attested b or more witnesses, depute any other proprietor to vote and act as his proxy.

Directors may require any sum, &c.

III. AND BE IT ENACTED, That the said directors, or any two of them, shall and may re any sum or sums of money from each and every proprietor, in equal proportion, as may from t

e neceſſary for completing the ſaid bridge and cauſeways, and after giving three months public in the George-town paper, to ſue for and recover, in the name of the ſaid company, ſuch unequiſition, with all coſts and charges incidental thereto, with legal intereſt thereon from the he ſame became due; and the neglect or refuſal to pay any ſuch requiſition, after three months in the George-town paper, ſhall have the effect to forfeit all previous payments made on the r ſhares ſo neglected or refuſed to be paid, to the uſe and benefit of ſaid company.

Company to erect a draw, &c.

BE IT ENACTED, That the ſaid bridge company ſhall erect a good and ſufficient draw to ſaid , not leſs than twenty feet wide, and ſhall keep a ſufficient number of hands at all times ready e purpoſe of raiſing the ſaid draw, in order to admit veſſels to paſs through, without delay or uption, for which no reward ſhall be demanded or received; and in caſe of any neglect, the ors for the time being may be indicted and fined in Prince-George's county court as for a comuiſance.

Shares may be transferred, &c.

AND BE IT ENACTED, That it ſhall and may be lawful for every proprietor to transfer his or are or ſhares, by deed or deeds executed before two or more witneſſes, and regiſtered in the of ſaid company, and not otherwiſe, except by deviſe, which ſaid deviſe ſhall alſo be regiſterore any ſuch ſhare or ſhares ſhall paſs in virtue thereof.

Bridge veſted in the company, &c.

AND BE IT ENACTED, That for and in conſideration of the great riſk incurred by ſaid com- and of the great expence in building ſaid bridge, and making ſaid cauſeways, and of keeping me in repair, the ſaid bridge, and all its profits, ſhall be and the ſame are hereby veſted in the ompany, to be held as tenants in common, in proportion to their reſpective ſhares, to them, heirs and aſſigns, for ever; and it ſhall and may be lawful for the ſaid directors, at all times ter, for the term of fifty years, to receive ſuch reaſonable tax or toll as they may from time to gree on and require, provided they ſhall not at any time exceed the preſent rates of ferriage e ferries now uſed over the ſaid Eaſtern Branch, which rates or tolls ſhall be made public, and tered oftener than once in each year; and at the expiration of the term aforeſaid of fifty years, id directors ſhall receive ſuch toll as ſhall be regulated by the legiſlature of this ſtate, or of the d States, ſhould the ſaid bridge be erected within the juriſdiction of the United States.

CHAP. XCIII.

Paſſed 20th of Jan. 1798.

AN ACT to authoriſe the Patowmack company to receive tolls on roduce carried through the canal at the Great Falls, and for other urpoſes therein mentioned. Lib. JG. No. 2. fol. 738.

Preamble.

WHEREAS the Patowmack company have by their petition ſet forth to this general aſſembly, that they have at great expence removed moſt of the obſtructions in the Patowmack river, Savage river to tide water, except thoſe at the Great Falls; that conſiderable quantities of ce are now brought down by boats to William's Port, Watt's Branch, and the Great Falls, by much time, labour and expence, are ſaved to the owners of ſuch produce; that many articles ow tranſported through the locks at the Little Falls without paying any toll whatever; that ompany, to facilitate the tranſportation of produce down ſaid river, have conſtructed an inl plain from the lower end of the canal to the ſurface of the river below the Great Falls, by s of which machine all articles can be let down, and thoſe not of great bulk or weight taken ith ſecurity and diſpatch; that a warehouſe is alſo provided for ſtoring ſuch articles when found ſary, or when boats are not ready for tranſporting ſaid produce down the ſaid river; that thoſe navigating the ſaid river receive great benefit from the improvement of the navigation by the r and expenditures of ſaid company, they conceive it to be juſt and reaſonable that they ſhould ſome compenſation for the benefits received; all which appears to be reaſonable; therefore,

Tolls may be received at Conococheague, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the Patowmack company be and y are authoriſed and empowered to receive, at or near the mouth of Conococheague, the tolls le at that place on articles tranſported thither, alſo the tolls payable at Watt's Branch and the t Falls, upon all articles brought down to thoſe places, or either of them, in the ſame manner the locks at the Great Falls were now complete, and alſo to receive the tolls upon ſuch articles e brought up the river to the Great Falls; provided that the ſaid company, at their own ex-, carry all produce brought to the ſaid inclined plain down or up the ſame, as the caſe may be, if required, ſtore the ſaid produce, or deliver it along ſide the ſaid boats in which it is intend- be carried down the river, at their own riſk and coſt.

CHAP. XCIII. And at the Little Falls, &c.

III. AND BE IT ENACTED, That the ſaid Patowmack company be authoriſed and empowered, are hereby authoriſed and empowered, to receive on all articles tranſported through the locks ed and completed at the Little Falls, the ſame rates and tolls payable on ſaid articles at Hook's and at or near the mouth of Conococheague, provided ſuch articles have not before paid an at any other place in ſaid river above the ſaid Little Falls.

Time further extended, &c.

IV. AND BE IT ENACTED, That the time for completing the navigation of Patowmack ri and is hereby further extended until the firſt day of January, eighteen hundred and three, an no privilege or advantage granted by law ſhall be forfeited or loſt in caſe the navigation aforeſai be finiſhed within the time hereby limitted, any thing in any act to the contrary notwithſtandi

CHAP. XCIV.

Paſſed 20th of Jan. 1798.

An ACT to aſcertain the allowance to jurymen and witneſſes of general court, and the ſeveral county and orphans courts in ſtate. Lib. JG. No. 2. fol. 740.

A Supplement 1798, ch. 5.

Allowance to jurors.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That there ſhall be allowed to each and petit juryman attending the general court on the weſtern and eaſtern ſhores of this ſta ſum of two dollars and fifty cents for each and every day ſuch grand and petit juryman ſhall a for the diſcharge of his duty, beſide itinerant charges.

Treaſurers to pay, &c.

II. AND BE IT ENACTED, That from and after the commencement of this act, the treaſur the weſtern and eaſtern ſhores, or either of them, ſhall and they are hereby authoriſed and di to pay, out of any unappropriated or ſurplus money which ſhall be in their reſpective treaſuri to each juryman of the general court on the weſtern and eaſtern ſhores, or his aſſigns, upon ſuch man, or his aſſigns, producing a certificate from either of the clerks of ſaid court, ſuch ſum a appear to be due upon the face of ſuch certificate, and the ſaid payments ſhall be made at the c Annapolis, or the town of Eaſton.

Clerks to make out certificates, &c.

III. AND BE IT ENACTED, That the clerks of the ſaid courts ſhall, and they are hereby di ed, to make out ſuch certificates, with the ſeveral ſums ſo due expreſſed in words at length; the ſaid clerks ſhall return to the general aſſembly of Maryland, on or before the twentieth d November in each year, a true and accurate account of the amount of all certificates ſo as afor by them iſſued.

Allowance to county court jurymen, &c.

IV. AND BE IT ENACTED, That there ſhall be allowed to each grand and petit juryman atte the ſeveral county courts, and each petit juryman attending the orphans courts, in this ſtate, ſum of one dollar and fifty cents for each and every day ſuch grand and petit jurymen ſhall a for the diſcharge of his duty as ſuch, to be allowed, aſſeſſed and levied, in the ſeveral and reſpe counties of this ſtate, in the ſame manner as the allowances to jurymen have heretofore aſſeſſed and levied.

To witneſſes to the general court.

V. AND BE IT ENACTED, That there ſhall be allowed to each witneſs attending the ge court on the weſtern and eaſtern ſhores of this ſtate the ſum of one dollar and fifty cents for and every day ſuch witneſs ſhall attend for the diſcharge of his duty, beſides itinerant charges.

And to the county courts, &c.

VI. AND BE IT ENACTED, That there ſhall be allowed to each witneſs attending the coun orphans courts of this ſtate the ſum of one dollar for each and every day ſuch witneſs ſhall a for the diſcharge of his duty, beſides itinerant charges to be allowed to witneſſes coming from counties.

Former laws repealed.

VII. AND BE IT ENACTED, That all laws heretofore paſſed, whereby any other allowan directed to be made to any juryman or witneſs for his attendance as aforeſaid, be and the ſam hereby repealed, ſo far as the ſame ſhall be repugnant to, or in any manner inconſiſtent with proviſions contained in this act.

Allowance to jurors in Allegany county.

VIII. AND BE IT ENACTED, That there ſhall be allowed to each grand and petit juryman at ing Allegany county court, and each petit juryman attending the orphans court in Allegany co

n of one dollar (a) for each and every day ſuch grand and petit juryman ſhall attend for the ge of his duty as ſuch, to be allowed, aſſeſſed and levied, in ſaid county, in the ſame manner vances to jurymen have heretofore been aſſeſſed and levied, any thing in this act to the con- otwithſtanding.

(a) By 1798, ch. 5, the allowance is increaſed to one dollar and fifty cents.

And in Baltimore county.

AND BE IT ENACTED, That there ſhall be allowed to each grand and petit juryman attending ore county court, and each petit juryman attending the orphans court in Baltimore county, of one dollar and thirty-three cents for each and every day ſuch grand and petit juryman tend for the diſcharge of his duty as ſuch, to be allowed, aſſeſſed and levied, in ſaid county, ame manner as allowances to jurymen have heretofore been aſſeſſed and levied, any thing in to the contrary notwithſtanding.

Duration.

This act to continue and be in force till the twentieth day of October, one thouſand eight d, and until the end of the next ſeſſion of aſſembly that ſhall happen thereafter.

CHAP. XCV.

ACT relating to coroners. Lib. JG. No. 2. fol. 741.

Paſſed 20th of Jan. 1798.

Coroners to give bond, &c.

T ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of April xt, and between the firſt days of March and April (b) in every third year thereafter, every , before he executes any civil proceſs, ſhall give bond, or enter into a recognizance to the Maryland, in the penalty of one thouſand pounds, with a condition, that he will well and ecute the office of coroner in all things thereto belonging; and ſhall alſo well and faithfully and return all writs, or other proceſs, to him directed; and ſhall alſo pay and deliver, to ſon or perſons entitled to receive the ſame, all ſums of money and tobacco, all goods and , by him levied, ſeized or taken, agreeably to the directions of the writ, or other proceſs, hich the ſame ſhall have been levied, ſeized or taken; and alſo ſhall keep and detain in ſafe all and every perſon and perſons committed to his cuſtody, or by him taken in execution, or ll be committed for the want of bail, without ſuffering them, or any of them, to eſcape or rom his cuſtody; and ſhall alſo ſatisfy and pay all judgments which ſhall be rendered againſt coroner; and ſhall alſo well and truly execute and perform the ſeveral duties required of or upon him by the laws of this ſtate; which bond or recognizance ſhall be entered into before, eſted by, the chief juſtice of the diſtrict, or any aſſociate juſtice of the county, with two ſuf- ecurities, freeholders of the county, and ſhall, immediately after the execution thereof, be d by the ſaid juſtice to the clerk of the county court, to be by him recorded, and a copy certified under the ſeal of the court, ſhall be good evidence to prove the execution of ſuch any court of this ſtate.

(b) By 1799, ch. 91, they may give bond at any time of the year, within ſixty days after their appointment.

And in certain caſes to have the ſame remedy, &c.

ND BE IT ENACTED, That if any coroner, againſt whom any judgment ſhall be entered for in not producing the body of the perſon againſt whom proceſs may have been iſſued, ſhall he plaintiff the amount of his debt and coſts, he ſhall have the ſame remedy againſt the de- on the plaintiff's judgment againſt him as the plaintiff himſelf might originally have had.

CHAP. XCVI.

ACT reſpecting the ſtealing and counterfeiting of checks or ers on banks. Lib. JG. No. 2. fol. 743.

Stealing any check, &c. deemed felony, &c.

T ENACTED, *by the General Aſſembly of Maryland*, That if any perſon or perſons within this te ſhall ſteal, or take by robbery, any check or checks, order or orders, drawn on any bank ed, or that may be eſtabliſhed, under a charter from the government of the United States, y particular ſtate, it ſhall be deemed and conſtrued to be felony, of the ſame nature and in e degree as if the offender or offenders had ſtolen or taken by robbery any other goods of like ith the money due on ſuch check or checks, order or orders, and ſuch offender or offenders fer ſuch puniſhment as he, ſhe or they, ſhould or might have done, if he, ſhe or they, had r taken by robbery other goods of like value with the money due on ſuch check or checks, r orders.

Certain perſons adjudged felons, &c.

ND BE IT ENACTED, That if any perſon or perſons ſhall, within this ſtate, forge or coun- ny check or checks, order or orders, on any of the ſaid banks, or pay, or tender in payment, or

CHAP. XCVI.

or in any manner paſs, or offer to paſs, ſuch forged or counterfeited check or checks, or orders, knowing ſuch check or checks, order or orders, to be forged or counterfeited, and thereof be convicted in any court of law within this ſtate, he, ſhe or they, ſhall be adjudged a or felons, and ſuffer ſuch puniſhment as if he, ſhe or they, had been adjudged guilty of ſteal taking by robbery goods of the like value with the money expreſſed to be due on ſuch che checks, order or orders.

CHAP. XCVII.

Paſſed 20th of Jan. 1798.

An ACT for the relief of ſundry inſolvent debtors. Lib. JG. No fol. 743.

Preamble.

WHEREAS William Kirby, Andrew Wallace, Ezekiel Towſon, junior, William Riley, G and Henry Shock, Jacob Hart, John Semmering, Thomas B. M'Cabe, George Stout, Robert Doyne, John Miller, Robert Taylor, William Stonall, Tudie James, Joſeph Clark, W Reeves, George Lythe, Jacob F. Levy, John Friday, John Goulding, Patrick Goulding, C Ward, John M'Iver and Philip Edwards, of Baltimore county, Jacob Fowell, Benjamin M. Eliſha Stewart, James Clayland and James Grace, of Talbot county, Robert T. Smithey, Alex Couper, Thomas Nicholls, of John, William Needham and John Fleming, of Montgomery c Roger Tregoe, Joſhua Breerwood and Nathan Breerwood, of Dorcheſter county, James H Alexander A. Leſlie and Samuel Tyler, junior, of Prince-George's county, Andrew Haver Frederick county, Corbin Lee Onion, William Oſborn, of Benjamin, Eliſha Perkins and M M'Elheney, of Harford county, Cornelius Mills, Samuel Maynard, William Wenſtandley, S Watkins and Valentine Brown, of Anne-Arundel county, Charles Shanks, of Saint-Mary's c William Chew and Thomas Harwood, of Calvert county, John Fendall Beall and Jacob Cle of Charles county, Joſeph Everitt and Benjamin Duhamel, of Queen-Anne's county, Thomas way, of Allegany county, by their petitions to this general aſſembly have ſet forth, that by rea many misfortunes they are unable wholly to ſatisfy their creditors, and have prayed, that the be diſcharged, upon their delivering up all their property for the uſe of their creditors; a prayer of the ſaid petitioners being found reaſonable; therefore,

Chancellor, on application, to direct notice, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That on application of either of th debtors to the chancellor, by petition in writing, offering to deliver to the uſe of his credit his property, real, perſonal or mixed, to which he is any way entitled, a ſchedule whereo oath, or affirmation, as the caſe may require,) together with a liſt of the creditors of the pe applying, on oath or affirmation, as far as he can aſcertain them, ſhall be annexed to ſuch pe the chancellor ſhall direct perſonal notice of ſuch application to be given to the creditors, an to as many of them as can be ſerved therewith, or their agents or attornies, or direct notice o application to be inſerted in the public news-papers for ſuch time as he may think proper, whi caſe of there being a creditor or creditors beyond ſea, ſhall not be leſs than ſix months, a their appearance, or neglect to appear on notice, at the time or times and place appointe chancellor ſhall adminiſter to the petitioning debtor the following oath, or affirmation, a caſe may require: "I, A. B. do ſwear, or ſolemnly, ſincerely and truly declare and d "that I will deliver up, convey and transfer, to my creditors, in ſuch manner as the cha "ſhall direct, all my property that I have, or claim any title to or intereſt in, at this time, a "debts, rights and claims, which I have, or am any way entitled to, in poſſeſſion, remain "reverſion, and that I have not, directly or indirectly, at any time, ſold, conveyed, leſſe "diſpoſed of, for the uſe or benefit of any perſon or perſons, or intruſted, any part of my mon "other property, debts, rights or claims, thereby to defraud my creditors, or any of them, "ſecure the ſame to receive or expect any profit, benefit or advantage, thereby;" and the ch lor ſhall thereupon name ſuch perſon as a majority of the creditors in value, their age attornies, then preſent, ſhall recommend, to be a truſtee for the benefit of the creditors petitioning debtor, or in caſe of the non-attendance of the creditors, or of their not making commendation, the chancellor ſhall name ſuch perſon as he ſhall think proper, to be a tru aforeſaid.

No perſon to be entitled to the benefit of this act but a citizen, &c.

III. AND BE IT ENACTED, That no perſon herein before mentioned ſhall be entitled to the fit of any of the proviſions of this act, unleſs the chancellor ſhall be ſatisfied, by competent te ny, that he is, and at the time of the paſſing of this act was, a citizen of the United States, this ſtate, and unleſs, at the time of preſenting his petition as aforeſaid, he ſhall produce chancellor the aſſent, in writing, of ſo many of his creditors as have due to them the amo two thirds of the debts due by him at the time of the paſſing of this act; provided, that

cre

s, not reſiding in the United States, and not having agents or attornies reſiding therein duly red to act in their behalf, ſhall not be conſidered within the intent and meaning of this clauſe; vided alſo, that the chancellor may, without the aſſent of the creditors as aforeſaid, from time order to be diſcharged from cuſtody any of the ſaid petitioners who may be in actual nent in virtue of any proceſs iſſued, or that may be iſſued, in purſuance of any debt at this e and owing by him, which diſcharge is hereby declared to be a releaſe only of the perſon of btor, but not of his property, unleſs the aſſent in writing of two thirds in value of the s as aforeſaid be obtained.

Truſtee to give bond, &c.

And be it enacted, That before ſuch truſtee proceeds to act, he ſhall give bond for the performance of his duty, to ſuch perſon, in truſt for the creditors of ſaid petitioning and in ſuch penalty as the chancellor ſhall direct, which ſhall be recorded in the office of the of the court of chancery, and a copy thereof, certified under the hand of the ſaid regiſter, good evidence in any court of law or equity of this ſtate; and if any truſtee, appointed by of this act, ſhall refuſe to act, or die, or neglect to give bond as aforeſaid, in a reaſonable be judged of by the chancellor, or be removed by the chancellor for miſbehaviour, he ſhall ſuch other perſon as he ſhall think proper in his place, who ſhall give bond as aforeſaid, and ng ſuch bond, (in caſe the ſaid debtor had conveyed his property to the former truſtee,) he mediately be veſted with all the property of every kind, and all the debts, rights and credits, ſaid debtor, as completely as the former truſtee was veſted with the ſame.

On executing a deed, debtor to be diſcharged, &c.

And be it enacted, That upon the ſaid petitioning debtor's executing and acknowledging to the truſtee to be appointed as aforeſaid, conveying all his property, real, perſonal and and all debts, rights and claims, agreeably to the oath, or affirmation, of ſuch debtor as afore- d on his delivery to the ſaid truſtee of all his ſaid property which he ſhall have in poſſeſſion, his books, papers, and evidences of debts of every kind, and the ſaid truſtee's certifying the n writing, to the chancellor, it ſhall be lawful for the chancellor to order that the ſaid debtor diſcharged from all debts, covenants, contracts, promiſes and agreements, due from, or owing tracted by, him, before the date of the ſaid deed, and by virtue of ſuch order the ſaid ſhall be diſcharged as aforeſaid; provided, that no perſon who has been guilty of a breach of s, and hath been fined, or is liable to be fined, for ſuch breach, ſhall be diſcharged from the t of any fine incurred for any breach of the laws of this ſtate; and provided, that any y which he ſhall thereafter acquire by gift, deſcent, or in his own right by bequeſt, de- in any courſe of diſtribution, ſhall be liable to the payment of the ſaid debt; and provided, e diſcharge of ſuch debtor ſhall not operate ſo as to diſcharge any other perſon from any debt.

May retain his apparel.

And be it enacted, That the chancellor may allow ſuch petitioning debtor to retain the y wearing apparel of himſelf and family.

Truſtee may be directed to ſell, &c.

And be it enacted, That the chancellor may direct any truſtee to be appointed by virtue act to ſell and convey the property conveyed to him by the petitioning debtor, at ſuch time, ſuch terms and conditions, as he ſhall think moſt for the advantage of the creditors, and the thereof, after ſatisfying all incumbrances and liens, ſhall be divided among the ſaid cre- agreeably to their ſeveral and reſpective claims; but no judgment to be rendered after the of this act againſt any of the ſaid debtors who ſhall take advantage of this act, ſhall n on his real property, nor ſhall any proceſs againſt his real or perſonal property have any hereon, except writs of *fieri facias* actually and *bonâ fide* before the paſſing of this act.

And may ſue, &c.

And be it enacted, That any truſtee may ſue for, in his own name, and recover, any y or debts aſſigned to him by any debtor in virtue of this act.

When fraud is alleged, debtor may be examined, &c.

And be it enacted, That if any creditor, on the application of any ſuch debtor to the lor, or within two years thereafter, ſhall allege, in writing, to the chancellor, or to the court of the ſhore, or the county court of the county, where ſuch debtor ſhall reſide, that ſuch hath directly or indirectly ſold, conveyed, leſſened, or otherwiſe diſpoſed of, or purchaſed, in r himſelf, or any of his family or relations, or any other perſon or perſons, intruſted or ed, any part of his property of any kind, or any part of his debts, rights or claims, to deceive or defraud his creditors, or any of them, or to ſecure the ſame, or to receive or any profit or advantage thereby, or that he has paſſed bonds, or other evidences of either without conſideration or on improper conſideration, or loſt more than one hundred current money by gaming at any one time, or hath aſſigned or conveyed any of his property with

CHAP. XCVII.

with intent to give a preference to any creditor or creditors, or security, within two years b the paſſage of this act, the ſaid chancellor, or court, may thereupon, at the election of the cr making ſuch allegation, either examine the ſaid debtor, and any perſon or perſons to wh may have made any conveyance or conveyances of his property, or paſſed bonds or evide debts as aforeſaid, on interrogatories, on oath or affirmation, touching the ſubject of the ſaid a tions, or direct an iſſue or iſſues, in a ſummary way, without the form of the action, to determ truth of the ſame; and if, upon the anſwer of the ſaid interrogatories, or the trials of the ſai or iſſues by a jury, ſuch debtor ſhall be found guilty of any fraud or deceit of his creditors, o by gaming as aforeſaid, or of having given preference as aforeſaid, he ſhall for ever be cluded from any benefit of this act; and in caſe ſuch debtor, or other perſon, ſhall, at any thereafter, upon any indictment, be convicted of wilfully, falſely and corruptly, ſwearing or a ing to any matter or thing to which he ſhall ſwear or affirm by virtue of this act, he ſhall as in the caſe of wilful and corrupt perjury, and be for ever debarred from any benefit of this a

Chancellor may allow a commiſſion, &c.

X. AND BE IT ENACTED, That the chancellor may allow any truſtee to be appointed by of this act ſuch commiſſion for his trouble as he ſhall think reaſonable, not exceeding eight pe and if any complaint ſhall be made to the chancellor of the conduct of any truſtee, by any cre intereſted in the diſtribution of any eſtate, the chancellor may call ſuch truſtee before him, a quire into the cauſe of complaint in a ſummary way, and make ſuch rules and orders as ſh judged neceſſary for the accompliſhment of the object of the truſt, and puniſh the ſaid truſtee, a a contempt, in caſe of his not obeying the ſame, and, if he thinks it neceſſary, he may remo ſaid truſtee, and appoint another perſon in his place.

And order impriſoned debtors to be brought before him, &c.

XI. AND BE IT ENACTED, That if any debtor, who ſhall petition the chancellor in virtue o act, ſhall be impriſoned at the time of exhibiting ſuch petition, it ſhall be lawful for the chan to order the ſheriff in whoſe cuſtody he ſhall be, to bring him before him, at a certain time b in the ſaid order to be appointed, for the purpoſe of taking the oath or affirmation herein i mentioned; and the ſaid ſheriff ſhall obey the ſaid order, and ſhall be entitled to a preference, the diſcharge of all liens on the ſaid debtor's eſtate, to all other creditors, in the payment o account againſt the ſaid debtor for legal fees of impriſonment, and his reaſonable expences in c ing the ſaid debtor to the chancellor in obedience to his order as aforeſaid, any thing in this a the contrary notwithſtanding; and in caſe ſuch impriſoned debtor ſhall have any creditors beyon the chancellor may, in his diſcretion, order the ſheriff to bring the ſaid debtor before him at time as he thinks proper, and on his taking the oath herein before mentioned, may direct the body of ſuch debtor ſhall be diſcharged from impriſonment, and appoint a time when ſuch d ſhall appear before him to anſwer any interrogatories which his creditors may propoſe to on not leſs than ſix months notice as aforeſaid, any thing in this act to the contrary notwithſtand provided, that ſuch diſcharge from impriſonment ſhall not operate as a diſcharge of any of the de the ſaid impriſoned debtor; and provided, that the ſaid impriſoned debtors, at the time of the charge, if required by the chancellor, ſhall enter into bond, with ſuch penalty, and with ſecuri the chancellor ſhall direct and approve, conditioned for the perſonal appearance, at ſuch time or t as the ſaid chancellor ſhall direct, to anſwer the allegations of their creditor or creditors, acco to the proviſions aforeſaid; and if the ſaid debtors ſhall not enter into bond as aforeſaid, if req by the chancellor, then ſuch debtors ſhall remain in confinement until their application, (if obj to,) ſhall be decided on.

Judge, &c. on E. ſhore may order the ſheriff, &c.

XII. AND BE IT ENACTED, That in caſe any perſon named in this act may be impriſoned in gaol on the eaſtern ſhore, it ſhall be lawful for the judge of the diſtrict, or any aſſociate juſtice o county, on the application of ſuch perſon, at any time before the firſt day of June next, to o the ſheriff in whoſe cuſtody he may be to bring the ſaid perſon immediately before him, for purpoſe of taking the oath, or affirmation, if required, for delivering up his property to his c tors; and if the ſaid perſon, ſo brought before the judge or juſtice, ſhall produce a petition t chancellor, with a ſchedule of his whole property, and a liſt of his creditors, on oath, as here quired, thereto annexed, and alſo the aſſent of two thirds of his creditors, and ſhall, before ſaid judge or juſtice, take the oath required for delivering up his property for the uſe of his cred it ſhall be lawful for the ſaid judge or juſtice to order that the ſaid perſon be diſcharged fro priſonment, and appear before the chancellor within three months from the time of ſuch diſch and if ſuch order ſhall be made, the ſaid judge or juſtice ſhall tranſmit the ſaid petition and a his creditors, in writing as aforeſaid, with the ſchedule and liſt, on oath as aforeſaid, annexed, t chancellor; provided nevertheleſs, that if the ſaid perſon, ſo diſcharged from impriſonment, not appear before the chancellor agreeably to the ſaid order, it ſhall be lawful for any judge o

application of the party at whose suit the said person was imprisoned, and on his producing icate from the register in chancery, that such person hath not appeared before the chancellor bly to the said order, to remand the said person to the prison from which he was discharged, remain until discharged by a due course of law; and provided always, that if any creditor of itioning debtor in any of the gaols on the eastern shore shall security require of the petitioner, e judge or justice aforesaid shall not release any petitioner, until he or they shall give such se- as the judge or justice shall require for his appearance before the chancellor within three from the date of his discharge as aforesaid.

Chancellor may limit the time, &c.

I. AND BE IT ENACTED, That the chancellor may, by order, limit and appoint the time for rs to bring in and declare their claims, and may examine such creditors, and also the debtor, or affirmation, concerning the same, and, on any contested claim, may, if he thinks proper, he same, or any fact concerning the same, to be tried on an issue framed for that purpose, and der any part of the petitioning debtor's estate to be set apart and retained for the eventual tion of any contested claim, or to be brought again into distribution; and if any creditor, to a real debt is due, shall collude with the debtor to gain an undue preference in the satisfaction debt, or for concealment of any part of the debtor's estate or effects, or shall contrive or con- ny acknowledgment of the debtor, by parole, or in writing, or any kind of security, to give olour to his claim for more than is *bonâ fide* due, such creditor shall lose his debt truly due, and e totally excluded in the distribution.

Debtors arrested may be discharged, &c.

V. AND BE IT ENACTED, That if the said debtors, or any of them, shall be arrested or im- ed on any process sued out on any judgment or decree obtained against them, or any of them, y debt, damages or costs, contracted, owing or growing due, before the passing of this act, the out of which such process issued, shall and may discharge such debtor on motion; and if the btors, or any of them, shall be arrested or imprisoned on any process for the recovery of any damages or costs, contracted, owing or growing due, before the passing of this act, the court, whom such process shall be returned, shall and may discharge such debtor or debtors out of y on his common appearance being entered, without any special bail; provided, that the rge of such debtor or debtors shall not acquit any other person from such debt, damages or or any part thereof, but that all such persons shall be answerable for the same in such manner y were before the passing of this act.

Proceedings to be recorded, &c.

. AND BE IT ENACTED, That all proceedings in chancery under this act shall be recorded e register, who shall be entitled to the same fees as are fixed by law for services in other cases, shall be paid at the time of obtaining the discharge.

Creditors to be consulted, &c.

I. AND BE IT ENACTED, That in all appointments of trustees under this act by the chan- , in the room of any person before appointed, the chancellor shall consult the creditors, and n himself by the choice of a majority of them in value, unless upon notice being given by public tisement, or in such other manner as he shall think reasonable, the said creditors shall neglect ke such choice.

Time limitted.

II. AND BE IT ENACTED, That none of the said debtors, who do not make application as aid on or before the first day of June next, shall have any benefit of this act.

CHAP. XCVIII.

Passed 20th of Jan. 1798.

AN ACT for the relief of Samuel Turner Dyson, of Baltimore county, an insolvent debtor. Lib. JG. No. 2. fol. 750.

Preamble.

WHEREAS Samuel Turner Dyson, of Baltimore county, has stated to this general assembly his inability to pay his debts, and has petitioned for an act to release him therefrom upon giving his property to the use of his creditors: And whereas the said Samuel Turner Dyson, being ficer in the army of the United States, is liable, from the military arrangements, to be called t this state, which justifies a distinction of his case from others who have petitioned for similar

S. T. Dyson, on making oath, &c. to be discharged, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That in case the said Samuel Turner n shall, before some justice of the peace for the county where he resides, make and subscribe the ving oath, to wit: "I, Samuel Turner Dyson, do swear, or affirm, that I will deliver up, con- y and transfer, to the use of my creditors, all my property, real, personal or mixed, (the neces-

CHAP. XCVIII.

" ſary wearing apparel of myſelf and family, as allowed by my truſtee, only excepted,) that I
" or claim any title to, or intereſt in, at this time, and all debts, rights and claims, which I
" at this time, or that I am in any reſpect entitled to, in poſſeſſion, remainder or reverſion; and
" I have not, directly or indirectly, at any time before, ſold, conveyed, leaſed, diſpoſed of,
" truſted or concealed, any part of my property of any kind, or any part of my debts, rig
" claims, thereby wilfully to defraud or deceive my creditors, or any of them, or to ſecure the
" or to receive or expect any profit, benefit or advantage thereby;" and ſhall execute and ac
ledge, before two juſtices of the ſame county, a deed to his truſtee, appointed in virtue of thi
on behalf of his creditors, for all his property, debts, rights and claims, agreeably to his ſaid
in truſt for his creditors, a ſchedule whereof he ſhall inſert in, or annex to, the ſaid deed,
thereupon, and for ever thereafter, the ſaid Samuel Turner Dyſon ſhall, by virtue of this a
acquitted, releaſed, and for ever diſcharged, from all debts, promiſes, contracts, agreement
covenants, due from, or contracted, made or entered into by him, before the paſſing this act;
vided, that any property acquired by the ſaid Samuel Turner Dyſon, after the making the ſaid
by deſcent, or in his own right by deviſe, bequeſt, or in courſe of diſtribution, ſhall be liable fo
payment of his debts.

Sheriff appointed truſtee, &c.

III. AND BE IT ENACTED, That the ſheriff of Baltimore county ſhall be and is hereby appo
as truſtee in behalf of the creditors of the ſaid Samuel Turner Dyſon; and the ſaid ſheriff, b
he acts as ſuch, ſhall take the following oath before ſome juſtice of the peace of ſaid county, t
" I, A. B. do ſwear, that I will faithfully, impartially and honeſtly, according to the beſt
" ſkill and knowledge, execute the ſeveral powers and truſts repoſed in me as truſtee for the c
" tors of Samuel Turner Dyſon, without favour, affection, prejudice or malice."

If arreſted to be diſcharged, &c.

IV. AND BE IT ENACTED, That if the ſaid Samuel Turner Dyſon ſhall be arreſted or impri
on any proceſs ſued out on any judgment or decree obtained againſt him for any debt, damag
coſts, contracted, owing, or growing due before the paſſing of this act, the court out of which
proceſs iſſued ſhall and may diſcharge the ſaid Samuel Turner Dyſon on motion; and if the ſai
muel Turner Dyſon ſhall be arreſted or impriſoned on any proceſs for the recovery of any
damages or coſts, contracted, owing, or growing due before the paſſing of this act, the court b
whom ſuch proceſs ſhall be returned ſhall and may diſcharge the ſaid Samuel Turner Dyſon o
cuſtody on his common appearance being entered, without any ſpecial bail; provided, that the
charge of the ſaid Samuel Turner Dyſon ſhall not acquit any other perſon from ſuch debt, dam
or coſts, or any part thereof, but that all ſuch perſons ſhall be anſwerable for the ſame in ſuch m
ner as they were before the paſſing of this act.

If fraud is alleged, he may be examined, &c.

V. AND BE IT ENACTED, That if any creditor of the ſaid Samuel Turner Dyſon ſhall, at
time within two years after he is diſcharged, allege, in writing, to the juſtices of Baltimore co
court, in court ſitting, that he the ſaid Samuel Turner Dyſon hath, directly or indirectly, ſold,
veyed, leaſed, or otherwiſe diſpoſed of, or intruſted or concealed, any part of his property of
kind, or any part of his debts, rights or claims, thereby wilfully to deceive or defraud his credi
or any of them, or to ſecure the ſame, or to receive or expect any profit, benefit or advantage th
by, the ſaid court may thereupon examine the ſaid Samuel Turner Dyſon on interrogatories, on o
for the diſcovery of his property, or any concealment thereof, and reſpecting his conduct touch
the ſame, or the ſaid juſtices may, in their diſcretion, direct an iſſue to be tried in the ſaid court
determine the truth of any allegation made by the ſaid Samuel Turner Dyſon; and if the ſaid
muel Turner Dyſon ſhall be found guilty of any wilful fraud or deceit of his creditors, he ſhall
ever be precluded from having any benefit of this act; and in caſe the ſaid Samuel Turner Dy
ſhall, at any time within two years as aforeſaid, upon any indictment, be convict of wilfully, fa
and corruptly ſwearing to any matter or thing in his oath aforeſaid contained, he ſhall ſuffer a
caſe of wilful and corrupt perjury, and likewiſe be liable to his creditors, and be wholly deprive
any relief or benefit by this act.

CHAP. XCIX.

Paſſed 20th of Jan. 1798.

An additional ſupplement to the act, (a) entitled, An act for maki the river Suſquehanna navigable from the line of this ſtate to t water. Lib. JG. No. 2. fol. 753.

(a) November, 1783, ch. 23.

Preamble.

WHEREAS it hath been repreſented to this general aſſembly, by the proprietors of the S
quehanna canal, that at a meeting of the ſaid corporation in the month of March laſt
ordina

nce was paſſed, empowering the governor and directors of the ſaid corporation for the time o open a ſubſcription for ten additional ſhares, of one thouſand pounds each ſhare, and or- that the ſubſcribers of the ſaid additional ſhares ſhall have all the rights, privileges and bene- which the original ſubſcribers of ſhares are entitled by the act of incorporation: And where- ſaid corporation have prayed that the ſaid ordinance, and the ſubſcriptions made and to be n purſuance thereof, may have the ſanction of this general aſſembly; therefore,

Be it enacted, *by the General Aſſembly of Maryland*, That the ſaid ordinance, made as afore- the ſaid corporation, be and the ſame is hereby declared to be ratified and confirmed, to intent and purpoſe, as fully and effectually as if the ſaid corporation, at the time of paſſing ne, had been competent to the making thereof; and the ſeveral ſubſcribers of the ſaid ten ad- l ſhares, or of any part thereof, are and ſhall be members of the ſaid corporation, and ſhall pectively veſted with all the rights, privileges and advantages, of original ſubſcribers, in as d beneficial a manner, to all intents and purpoſes whatſoever, as if they had been particularly verally named in the original law to which this is a ſupplement. Ordinance ratified, &c.

And be it enacted, That the time preſcribed for the completing of the ſaid canal, menti- n the ſaid original act, ſhall be and hereby is extended until the firſt day of December, in the f our Lord eighteen hundred and five, and the ſaid corporation, and their ſucceſſors, ſhall be ey are hereby allowed until the ſaid day to complete the ſaid canal; and if the ſaid canal ſhall mpleted and finiſhed on or before the ſaid firſt day of December, eighteen hundred and five, nd in ſuch caſe the ſaid corporation, and their ſucceſſors, ſhall be entitled to all the rights, ges, benefits and advantages, mentioned and enumerated in the ſaid original act, and the ſup- nts thereto, as fully and effectually as if the ſaid canal had been completed within the time li- by the ſaid original act. Time extended, &c.

And be it enacted, That the bed of the river Suſquehanna, from the Maryland line to ater, ſhall be conſidered a public highway, free for any perſon or perſons whatever to work n in clearing the obſtructions to its navigation; provided always, that nothing herein ſhall be or conſidered to permit any perſon or perſons whatſoever to do any act repugnant to the power by law to the ſaid corporation over the waters of ſaid river, ſo far as the ſame may be neceſſa- the purpoſe of ſupplying the ſaid canal, and the water-works thereon, or repugnant to the given by law of excluding others from cutting any other canal or canals along the ſide, with- e margin of the ſaid river, to the injury of the ſaid canal. The bed of the river to be a highway, &c.

CHAP. C.

CT reſpecting the poor-houſe of Baltimore county. Lib. JG. No. 2. fol. 754. Repealed by 99, ch. 39. Paſſed 20th of Jan. 1798.

CHAP. CI.

ACT to make an alteration in the York turnpike road in Baltimore county, ſo as to paſs by the buildings of Ezekiel Towſon. Lib. JG. No. 2. fol. 754.

Whereas Ezekiel Towſon, of Baltimore county, by his petition to this general aſſembly hath ſet forth, that he is the owner and poſſeſſor of a tract or parcel of land in ſaid county, on there are conſiderable buildings and improvements; that the ſaid Towſon hath for many years ept at the ſaid place a houſe of public entertainment; that the eſtabliſhment of the York turn- oad in ſaid county has removed from the ſaid buildings the road as it formerly run from Balti- towards York, by which a conſiderable quantity of meadow has been deſtroyed, and his ſaid rty materially injured, and the difference between the road fixed by the commiſſioners of re- and that contemplated by the petitioner, and intended to run by his buildings, being not more thirty-two perches, and this general aſſembly, conſidering that the difference in diſtance gained an object when compared to the great injury the ſaid Towſon may ſuſtain, and it alſo appear- hat the grounds over which the ſaid road is intended to paſs are equally good with thoſe over the ſaid road is now laid out and confirmed by the ſaid commiſſioners of review, and that the Towſon is willing to give up all that portion of his land over which the ſaid road, when altered, paſs, without compenſation; therefore, Preamble.

Be it enacted, *by the General Aſſembly of Maryland*, That the commiſſioners of review of more county, or a majority of them, ſhall and are hereby directed to make an alteration in the turnpike road, as confirmed by the ſaid commiſſioners of review, ſo as that the ſaid turnpike Commiſſioners to make an alteration, &c.

CHAP. CI.

road, when altered, ſhall paſs by or near the buildings of the ſaid Ezekiel Towſon; that is to ſay, beginning for the ſaid alteration at the place where the York turnpike road interſects the orchard of John Hopkins, and running thence with a ſtreight line until it interſects the old York road at or near the ſaid Ezekiel Towſon's tavern, thence agreeably to the proviſions of an act of aſſembly, entitled An act to lay out ſeveral turnpike roads in Baltimore county, paſſed at April ſeſſion, one thouſand ſeven hundred and eighty-ſeven, * and the ſupplements thereto, until it again interſects the old York turnpike road, as laid down and confirmed by the ſaid commiſſioners of review; and when the ſaid road ſhall be ſo altered and laid out, two correct plots thereof ſhall be made out, one to be returned to the clerk of Baltimore county, and one to the regiſter of the city of Baltimore, to have them recorded amongſt their records.

* Chapter 23.

At the expence of E. Towſon.

III. AND BE IT ENACTED, That the ſaid review, laying out and ſurveying the road as hereby intended to be altered, ſhall be done at the expence of the ſaid Towſon, and that the ſaid Towſon ſhall receive no compenſation for any land belonging to ſaid Towſon over which ſaid road when altered ſhall paſs as aforeſaid.

CHAP. CII.

Paſſed 20th of Jan. 1798.

An ACT to encourage the eſtabliſhing of a hoſpital for the relief of indigent ſick perſons, and for the reception and care of lunatics. Lib. JG. No. 2. fol. 756.

Preamble.

WHEREAS there are frequently, in many parts of this ſtate, poor diſtempered perſons who languiſh long in pain and miſery under various diſorders of body and mind, and who cannot have the benefit of regular advice, attendance, lodging, diet and medicine, but at an expence which they are unable to defray, and therefore often ſuffer for want thereof: And whereas it is repreſented to this general aſſembly, that there is a charitable diſpoſition in divers inhabitants of this ſtate to contribute largely towards eſtabliſhing a common ſtate hoſpital in or near the city of Baltimore, properly diſpoſed and appointed, where ſuch afflicted perſons may be comfortably ſubſiſted, and where their health may be regularly attended to; therefore, for the encouragement of ſo beneficial an undertaking,

Treaſurer to pay, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the treaſurer of the weſtern ſhore of Maryland ſhall and he is hereby directed to pay to the mayor of the city of Baltimore, or his order, out of any unappropriated money that may be in the treaſury, the ſum of eight thouſand dollars, to be applied to the eſtabliſhment of ſaid hoſpital, upon bond being given, with good and ſufficient ſecurity, for the faithful application of the ſaid money to the founding, building and furniſhing ſaid hoſpital, according to the true intent and meaning of this law.

CHAP. CIII.

An ACT reſpecting the acknowledgment of deeds. Lib. JG. No. 2. fol. 756.

Preamble.

WHEREAS by the acts heretofore paſſed for the enrolment and acknowledgment of deeds, no particular form for certifying the ſaid acknowledgment by the perſon or perſons who ſhall take the ſame is deſignated or preſcribed, and in many inſtances the judge or juſtices before whom the ſaid acknowledgments have been made have certified the ſame very inaccurately, whereby it is apprehended the validity of ſuch deeds may be queſtioned, contrary to the intention of the perſons who executed the ſame,

Certain deeds good, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That in all caſes where an acknowledgment of a deed hath been made before any perſon or perſons competent by law to receive ſuch acknowledgment, and the ſaid perſon or perſons, receiving ſuch acknowledgment, hath or have certified by endorſement on ſaid deed, that the grantor, bargainor or vendor, mentioned in the ſaid deed acknowledged the lands and tenements therein mentioned, to be the right or title of the grantee, bargainee or vendee, or hath or have certified any acknowledgment tantamount thereto, or endorſed any certificate in any words declaratory of the intention of the grantor, bargainor or vendor, to paſs or convey the property in ſaid deed mentioned unto ſuch grantee, bargainee or vendee, ſuch deeds ſhall be as good and available in law againſt ſuch grantors, bargainors or vendors, their heirs, executors and adminiſtrators, as if the perſon or perſons receiving ſuch acknowledgment had certified that the grantor, bargainor or vendor, had acknowledged the ſaid inſtrument of writing to be his, her or their act and deed, any law, uſage or cuſtom, to the contrary notwithſtanding.

III.

CHAP. CIII. Acknowledgements to be good, &c.

AND BE IT ENACTED, That in all cases hereafter, where any person or persons, competent ws of this state to receive the acknowledgment of deeds, shall certify, by endorsement on d, that the donor, grantor, or bargainor, in any deed mentioned, acknowledged the lands and nts, or other property in the same, to be the right or estate of the donee, grantee or bar- or shall certify, by endorsement, any acknowledgment tantamount thereto, or shall endorse deed any certificate in any words declaratory of the intention of the grantor, bargainor or to pass and convey the property therein mentioned to the donee, grantee or bargainee, such ledgment shall be as good and available in law against all persons whatever, as if the persons ng such acknowledgment shall certify that the donor, grantor or bargainor, had expressly ledged the said instrument of writing to be his, her or their act and deed, any law, usage or to the contrary notwithstanding; provided, that nothing herein contained shall alter or the mode prescribed of taking the acknowledgments of *feme-covert*s and *feme-covert* grantors.

CHAP CIV.

ACT to authorise the building a record-office in Kent county. Lib. JG. No. 2. fol. 757.

Passed 20th of Jan. 1798.

Preamble. * Chapter 29.

WHEREAS by an act of assembly, passed at November session, seventeen hundred and ninety- six, * the justices of the levy court of Kent county, were authorised and directed to levy of money on the inhabitants of said county for the purpose of making such repairs, addi- alterations and improvements, to the court-house, as might be thought necessary for the safe g and securing the public records of said county: And whereas it is represented to this assembly, that it may be more convenient and less expensive to build an entire new office for rpose;

J Nicholson, &c. to superintend, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That Messieurs John Nicholson, Thomas ll and James Houston, or any two of them, may, and they are hereby authorised and directed, rintend the building an office in Chester-town, in Kent county, as a depository for the records said county, and that they be authorised to attach the same to the present court-house of unty, or to build the same separate therefrom, as they may think most for the benefit of the unty, and to contract for materials and agree with workmen to complete the same.

Monies to be paid, &c.

AND BE IT ENACTED, That all monies ordered to be levied as aforesaid by the above act, shall be paid into the hands of the persons above mentioned, or any two of them, to be m applied agreeably to the directions of this act.

CHAP. CV.

urther supplement to the act, (a) entitled, An act to lay out several rnpike roads in Baltimore county, and for other purposes. Lib. G. No. 2. fol. 758.

(a) April, 1787, ch. 23.

Preamble. * 1796, ch. 44.

WHEREAS the commissioners of review for Baltimore county have not, in conformity to the powers vested in them by an act * of the last general assembly, entitled, A further supple- to the act, entitled, An act to lay out several turnpike roads in Baltimore county, and for purposes, within the time therein limitted, reviewed, and ultimately ascertained, the direction several turnpike roads mentioned in said further supplement; therefore,

Time extended, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That the time limitted in the said further ment, passed at the last session of assembly, for ascertaining and fixing the direction of the ke roads therein mentioned, be and the same is hereby extended to the first Monday in er next.

The time was further extended by 1798, ch. 53, to the first Monday in October, 1799.

Commissioners to call on the collectors, &c.

AND BE IT ENACTED, That the commissioners of review, or a majority of them, shall have and authority to call on any person or persons who have or may hereafter be appointed col- or collectors of the tax imposed on Baltimore county by the original act to which this is a r supplement, to settle and pay the amount of said tax, agreeably to the directions of the said al act, and in case of refusal or neglect, to settle and pay the same within the time directed by

CHAP. CV.

by law for payment of the county levies, the commiſſioners of review, or a majority of ſhall proceed againſt the ſaid collector or collectors, and their ſecurities, in the ſame manner the juſtices of the peace are directed by the act for the eſtabliſhment and regulation of the courts in the ſeveral counties in this ſtate are directed to proceed againſt collectors, and ſecurities, and there ſhall be ſimilar proceedings, and ſimilar remedy, for the recovery of the

CHAP. CVI.

Paſſed 20th of Jan. 1798.

An ACT to pay the civil liſt, and other expences of civil government. Lib. JG. No. 2. fol. 759.

Preamble.

WHEREAS thoſe who dedicate their time, abilities and labour, to the public, ought to a reaſonable and adequate compenſation for their ſervices,

Officers ſalaries.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the following officers of government for the time being ſhall be entitled to receive at the rate of the following ſalaries current money for the enſuing year, to wit: The treaſurer of the weſtern ſhore, two thouſand lars; the treaſurer of the eaſtern ſhore, four hundred and fifty dollars; the auditor, eight hu dollars; the clerk of the council, ſeven hundred dollars; the clerk of the ſenate, one hundred fifty dollars; the clerk of the houſe of delegates, three hundred dollars; the printer of the fourteen hundred dollars; the meſſenger to the council, two hundred and fifty dollars.

Monies to be firſt applied.

III. AND BE IT ENACTED, That all monies which ſhall remain in the treaſury, after diſch the journal of accounts, and all monies heretofore appropriated to the uſe of congreſs, which hereafter be received, and all unappropriated money which may come into the treaſury, be applied to the payment of the civil liſt for the enſuing year.

CHAP. CVII.

An ACT to increaſe the fees of the examiner-general of the weſtern ſhore, and the examiner of the eaſtern ſhore. Lib. JG. No. fol. 759.

Fees increaſed.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That immediately after the paſſing of act, the fees of the examiner-general of the weſtern ſhore ſhall be and they are hereby creaſed thirty-three and a third *per cent.* in addition to his fees already allowed by law.

Fees increaſed.

II. AND BE IT ENACTED, That immediately after the paſſage of this act the fees of the exam on the eaſtern ſhore ſhall be and they are hereby increaſed thirty-three and one third *per cent.* dition to his fees already allowed by law.

Duration.

III. This act to continue and be in force till the twentieth day of October, eighteen hun and till the end of the next ſeſſion of aſſembly that ſhall happen thereafter.

CHAP. CVIII.

An ACT authoriſing Henry Stevenſon, collector of Baltimore county, to complete his collections. Lib. JG. No. 2. fol. 760.

Preamble.

WHEREAS Henry Stevenſon, late collector of Baltimore county, hath ſet forth by his pe to this general aſſembly, that there is ſtill due to him as collector a conſiderable ſum of m which he has been unable to collect, and prays that a longer time may be allowed him to com the collection of the ſame,

H. Stevenſon to collect, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid Henry Stevenſon be he is hereby authoriſed to collect all balances due him as collector for the laſt year, at any time fore the firſt day of October next, in the ſame manner as he could or might have done whilſt he collector, any law to the contrary notwithſtanding.

Proviſo.

III. PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid Henry Stevenſon, before he ceeds to execute or diſtrain the property of any perſon or perſons for officers fees or taxes, ſhall leaſt ten days before ſuch execution or diſtreſs, deliver to the perſon chargeable with the ſame account, written in words at full length, of the taxes demanded of him, her or them, with a

nexed to the ſame, that he hath not, to the beſt of his knowledge, received any part there- ny thing in ſecurity or ſatisfaction for the ſame, more than the credits given; and provided t the ſaid Henry Stevenſon, before he derives any benefit from or under this act, ſhall lodge ctor's books in the clerk's office of Baltimore county court, to be there open to the inſpec- ll perſons intereſted in the ſame.

CHAP. CIX.

dditional ſupplement to the act, entitled, An act relating to pub- roads in this ſtate, and to repeal the acts of aſſembly therein ntioned. Lib. JG. No. 2. fol. 761.

Paſſed 20th of Jan. 1798.

T ENACTED, *by the General Aſſembly of Maryland*, That ſo much of the ſeventh ſection of the l original act, paſſed at November ſeſſion, ſeventeen hundred and ninety-four, * as directs ral ſupervisors to give bond, with ſuch ſecurity as ſhall be approved by the ſaid juſtices, be by is repealed, ſo far as it concerns Baltimore county, and that inſtead thereof, every ſuper- ointed in Baltimore county in virtue of the ſaid act ſhall, within thirty days next after his nent, give bond to the ſtate of Maryland, with ſuch ſureties as ſhall be approved by the the ſaid county, who is hereby directed and required to take the ſame in double the ſum y be apportioned by the levy court to be expended or laid out by the ſaid ſupervisor; pro- hat no ſecurity ſhall be approved as aforeſaid by the clerk of the ſaid county, unleſs it be d, to the ſatisfaction of ſuch clerk, that each and every ſuch ſurety be ſeized and poſſeſſed, n right, of a clear free-hold eſtate of the value of double the ſum of money that may be ap- d as aforeſaid by the levy court of ſaid county to be expended by the ſaid ſupervisor.

Part of an act repealed, &c.

* Chapter 52.

ND BE IT ENACTED, That from and after the firſt day of May next, one fourth of the juſ- Baltimore county ſhall be a ſufficient number to conſtitute a quorum, to do and perform in ty all matters and things which by the ſaid original act, and ſupplements aforeſaid, the juſ- a majority of them, were authoriſed and empowered to do and perform in ſaid county.

One fourth of the juſtices ſufficient, &c.

ND BE IT ENACTED, That the third and fourth ſections of the ſaid original act, to which ſupplement, be and they are hereby repealed, ſo far as they relate to Baltimore county.

Sections repealed.

ND BE IT ENACTED, That ſo much of the fifth ſection of the ſaid original act as requires cation in writing, ſigned by two thirds of the inhabitants of any hundred or hundreds, ſo far cerns Baltimore county, be and the ſame is hereby repealed, and the levy court of ſaid coun- in their diſcretion, proceed as in the ſaid ſection is directed, upon an application in writing a number of reſpectable inhabitants of ſuch hundred or hundreds.

Part of fifth ſection repealed.

ND BE IT ENACTED, That in all caſes where the levy court of ſaid county ſhall iſſue an or- e collector to pay to any ſupervisor any money under and in virtue of the original law, and nts aforeſaid, the ſaid levy court ſhall ſpecify and mention in ſuch order the day or days for ent of the ſame; and in caſe of neglect or refuſal in the ſaid collector to ſettle and pay the reeably to the tenor of ſuch order, the ſaid ſupervisor ſhall, within five days thereafter, un- penalty of twenty dollars, give notice of ſuch neglect or refuſal to the clerk of the ſaid who ſhall thereupon, within ten days thereafter, give notice to the juſtices of ſaid county to their uſual place of meeting, at a day therein mentioned, and the ſaid levy court, when ſo , ſhall and they are hereby authoriſed, directed and empowered, to iſſue an execution or ns againſt the ſaid collector, out of the ſaid county court, for the ſum of money ſo due from collector, in the manner and form preſcribed by the thirteenth ſection of the ſaid original

Paſſed 20th of Jan. 1798.

CHAP. CX.

CT to prevent exceſſive gaming. Lib. JG. No. 2. fol. 762.

EREAS it hath been repreſented to this general aſſembly, that certain perſons, as well citi- ens of this as of other ſtates, and foreigners, carry about with them from one public place r in this ſtate certain gambling machines or inventions, calculated to deceive and defraud ent and unguarded, to the prejudice of ſociety, and the corruption of morals; and this aſ- ing deſirous to put a ſtop to ſuch pernicious and baneful effects, therefore,

Preamble.

IT ENACTED, *by the General Aſſembly of Maryland*, That after the paſſage of this act, no B. C. L. S. D. or faro table, or other device, except billiard tables, for the purpoſe of gaming

No E. O. table to be ſet up, &c.

CHAP. CX.

gaming for money, ſhall be ſet up, kept or maintained in any dwelling-houſe, out-houſe or pl
cupied by any tavern-keeper, retailer of wine, ſpirituous liquors, beer or cider, whether ſuch
ſon have a licence or not, on pain of forfeiting every ſuch E. O. A. B. C. L. S. D. table, or
device, and of forfeiting moreover, for every offence, the ſum of fifty pounds current money
conviction thereof by indictment or confeſſion in the county court of the county wherein the
ſhall be committed.

Penalty on tavern-keepers, &c.

III. AND BE IT ENACTED, That if any tavern-keeper ſhall, after the paſſage of this act,
any E. O. A. B. C. L. S. D. or faro table, or other device, to be ſet up, kept or played in
her tavern, out-houſe, or place appertaining or near to the ſame, his or her licence, upon con
thereof, ſhall be void, to all intents and purpoſes.

Juſtice may prevent the playing, &c.

IV. AND BE IT ENACTED, That it ſhall and may be lawful, and it is hereby declared to
duty of any juſtice of the peace of this ſtate, upon complaint made, or on his own view, to
and prevent the playing at any of the above-mentioned tables, or any other device for gam
if reſiſtance ſhall be made to his authority, it ſhall and may be lawful for the ſaid juſtice of th
to commit the perſon or perſons offending in the premiſes to the cuſtody of the ſheriff, or a
ſtable of the county, who may, if neceſſary, ſummon the *poſſe comitatus* to his aſſiſtance to enfo
execution of this law.

How forfeitures are to be applied, &c.

V. AND BE IT ENACTED, That one moiety of the forfeitures accruing and becoming due
offence under this act ſhall be applied to the uſe of the county wherein the offence ſhall be com
and the other moiety to the perſon or perſons who ſhall proſecute and ſue for the ſame, and
habitants of ſaid county ſhall notwithſtanding be admitted witneſſes to teſtify againſt any per
ſhall be proſecuted for an offence by virtue of this act.

Proviſo.

VI. PROVIDED NEVERTHELESS, That nothing in this act ſhall, in any manner, affect any
chartered rights or privileges of the cities of Annapolis and Baltimore, or of George-town.

CHAP. CXI.

Paſſed 21ſt of Jan. 1798.

An ACT for the relief of Mary Sweeny and William King Prince-George's county. Lib. JG. No. 2. fol. 763.

Preamble.

WHEREAS the names of Mary Sweeny and William King were omitted to be inſerted
act, entitled, An act for the relief of ſundry inſolvent debtors, paſſed at the preſent
of aſſembly, *

* Chapter 97.

Benefits extended.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the benefits reſulting from t
act ſhall be and are hereby extended to the ſaid Mary Sweeny and William, in as full and
manner, as if the ſaid Mary Sweeny and William King had been ſeverally mentioned in the ſa
provided, that the ſaid Mary Sweeny and William King ſeverally comply with the proviſions
ſame.

CHAP. CXII.

* 1794, ch. 52.

A Further additional ſupplement to the act, * entitled, An act lating to public roads in this ſtate, and to repeal the acts of a bly therein mentioned. Lib. JG. No. 2. fol. 763.

Juſtices to allow ſupervi-ſors, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the paſſage of th
the juſtices of the levy court of Anne-Arundel county, or any five of them, be and th
hereby authoriſed and empowered to allow to each ſupervifor of the public roads in the ſaid
any ſum not exceeding one dollar and fifty cents for each day they may be employed as ſuch,
bly to the directions of the original act to which this act is a further additional ſupplement.

CHAP. CXIII.

An ACT relative to lands deviſed where there are no known or the heirs are aliens. Lib. JG. No. 2. fol. 764.

Preamble.

WHEREAS by the Britiſh ſtatute, entitled, An act for the relief of creditors againſt fra
deviſes, which hath been extended to and practiſed under in this ſtate, it is provided,
all actions brought by certain creditors for the recovery of debts due by perſons dying ſeized

CHAP. CXIII.

ments, and devising the same by their wills and testaments, the devisees and heirs at law oined by virtue of the said statute; and there being no provision therein for cases where e no heirs, or where the heirs at law, or any of them, are aliens, or unknown, or nonresi- this state, doubts are entertained whether in such cases creditors can have remedy at law;

In certain cases actions may be maintained, &c.

E IT ENACTED, *by the General Assembly of Maryland*, That in all and every case where any per- died, or shall die, seized of lands, tenements or hereditaments, and shall have devised, or ise the same in any lawful manner whatsoever, not leaving any heir or heirs, or leaving any heirs at law not being citizens or residents of this state, in all and every such case it shall be lawful for any creditor or creditors of every such devisor to have and maintain his, her action and actions against the devisee or devisees to whom such lands, tenements or heredi- may be devised, without joining the heir or heirs at law in any such action or actions; and ditor or creditors shall and may have remedy by virtue of this act against such devisee or de- one, and against the lands, tenements and hereditaments, so devised, in such like cases, and ch circumstances, as such creditor or creditors might or could have remedy under the said where the heir or heirs at law could or should be joined in such action or actions, according irections of the said statute.

CHAP. CXIV.

Passed 21st of Jan. 1798.

ACT relative to proceedings in the court of chancery and land- ices, and to the real estates of persons dying intestate. Lib. G. No 2. fol. 765.

Preamble.

HEREAS the late act to direct descents * hath rendered it in many cases difficult, on ac- count of the great number of heirs, to obtain such decree against heirs as might be obtained the ancestor if alive,

* 1786, ch. 45.

On any bill filed, chancellor may pass an order, &c.

E IT ENACTED, *by the General Assembly of Maryland*, That on any bill in the court of chancery to be filed, against the heirs of any person deceased, the chancellor, at his discretion, may, appearance of such person or persons as would have been sole heir or only heirs in case the had not been made, pass an order, to be published in some convenient news-paper at least eeks successively, giving notice of the substance and object of the bill, and appointing a day, than four months subsequent to the publication, for each of the heirs to appear and shew herefore a decree should not pass, as prayed; and on proof to the chancellor's satisfaction due publication, the suit may be carried on between the complainant and the defendant ap- as aforesaid, and any other heirs or heir appearing in consequence of the notice, and there the same decree, and it shall have the same effect, as if the heirs of the person deceased had d and defended the suit; provided nevertheless, that the answer of the heir or heirs appear- ll not operate against any absent heir, otherwise than if such absent heir had appeared, and d the suit, but the chancellor, on application of the complainant, may, at discretion, either bill *pro confesso* as to all absent heirs of the deceased, or direct a commission to issue for taking ons *ex parte*, and receive such proof as he may think proper; provided also, that if any heir deceased shall, in person or by a solicitor, appear in court at any time before a decree shall d, and shall, on or before the fourth day of the subsequent term, put in a good and sufficient to each interrogatory stated in the bill, or a good plea or demurrer to the same, the proceed- ll thereafter be the same as if such heir had regularly appeared to a summons; and if at any thin nine months after a decree passed without his appearance, any heir shall appear, and file on, praying the chancellor to set aside the decree, and likewise answer, plead or demur as d, the chancellor shall accordingly annul the decree as to such heir, and there shall be the oceedings for the purpose of deciding the cause on its merits, as if the said heir had regularly d to a summons.

And in certain cases direct publication, &c.

AND BE IT ENACTED, That in case a subpœna to a bill in chancery shall be regularly return- d by the sheriff of any county within the state where the defendant shall be known, or gene- ppposed to reside, and the chancellor shall be satisfied, by the affidavit of some indifferent per- persons, of the said known or supposed residence, and of the defendant's having avoided, or t of the way of the sheriff, or evaded the service of the subpœna, the chancellor, on motion, ect publication to be given in some news-paper convenient to the known or supposed residence defendant, at least three weeks successively, of the filing of the bill, and of its substance and and of the same day by him fixed, not less than four months subsequent to the publication,

CHAP. CXIV.

for the defendant's appearance in court, either in perſon or by ſolicitor; and on the defen failing to appear, and on ſatisfactory proof of the notice publiſhed, the chancellor, on motion, proceed in the ſame manner as is preſcribed by law in the caſe of a bill filed againſt a nonre provided, that the ſaid defendant have the ſame privilege as is herein before given to an abſent to appear, either before or after a decree; and every part of the proviſion herein contained ſpecting the proceedings on appearance of ſuch heir, ſhall be conſtrued to extend to ſuch ex defendant.

Certain cauſes ſhall not abate, &c.

IV. AND BE IT ENACTED, That in caſe any cauſe hath been or ſhall be ſet down regular hearing, or ſubmitted to the chancellor by both parties, as ready for his deciſion, and one parties hath died, or ſhall die, after ſuch ſetting down or ſubmiſſion, and before a decree having a ſolicitor in court, the ſaid cauſe ſhall not abate, and the chancellor may decree as deceaſed party were alive, and the decree ſhall have the ſame effect as if it had been paſſed the deceaſed, except that it ſhall not entitle the complainant to a preference in the diſtribut aſſets, either real or perſonal.

Chancellor may direct a commiſſion to iſſue, &c.

V. AND, whereas it is doubtful whether or not there is any method of proceeding, whe perſon, holding land jointly or in common with an infant reſiding out of the ſtate, may obtain tion of the ſaid land, BE IT ENACTED, That on a bill filed, for the purpoſe of obtaining par of land held jointly or in common with an infant reſiding out of the ſtate, the chancellor, o complainant's motion, may direct a commiſſion to iſſue unto three perſons, ſuch as he ſhall ap authoriſing them, or any two of them, to go to the infant, and appoint a guardian for the p of anſwering and defending the ſuit, and authoriſing them likewiſe to take the anſwer and re to the court; and in receiving ſuch anſwer, there may be the ſame proceedings as if the defe had been regularly ſummoned, and had been heard by a guardian appointed by the court.

How ſales are to be made, &c.

VI. AND BE IT ENACTED, That all ſales by the act to direct deſcents directed to be m lands which will not admit of diviſion amongſt the heirs, ſhall be made agreeably to the order court from which the commiſſions iſſued, and ſhall not be valid until ratified by the ſaid court the commiſſioners for valuing ſuch lands as in their judgment will not admit of a diviſion, ſha into conſideration any incumbrance on the lands, and report the value of the land, ſubject t incumbrance; and the election of any of the heirs to take the lands, and pay the others thei portions, ſhall be made in the ſaid court, before the expiration of the term next ſucceeding the on which the return of the commiſſioners ſhall have been confirmed.

Perſons inſane may be confined, &c.

VII. AND, whereas there is no proper receptacle or hoſpital within this ſtate for the confine and care of perſons inſane, whoſe going at large is dangerous or improper, BE IT ENACTED, the chancellor ſhall have full power, on the application of any truſtee of a lunatic, idiot, or p inſane, and receiving proof to his ſatisfaction, that it is neceſſary or proper to confine ſuch lu idiot, or perſon inſane, to direct the ſaid truſtee to ſend the perſon under his charge to ſome pital or receptacle in Philadelphia, provided he can be there received, to remain until further of the court; and the chancellor ſhall have power, at any time, to direct the ſaid perſon brought back, and to enforce his order as in other caſes.

Coſts may be awarded, &c.

VIII. AND BE IT ENACTED, That the chancellor ſhall have full power, as in the court of cery, at his diſcretion, to award coſts to the party prevailing on the deciſion of any caveat land-office.

No caveat to be entered, &c.

IX. AND BE IT ENACTED, That no caveat ſhall hereafter be entered in either of the ſaid where compoſition money is due on a certificate, unleſs the party requiring the ſame to be en ſhall firſt make oath, or affirmation, that he conceives he has good cauſe for entering the ſame, has pretenſions to the land, or a part thereof, containing in the certificate he is deſirous of caveat and that the ſame is not entered for the purpoſe of favouring the party, by enabling him to pr the time for payment of the compoſition money on the ſaid certificate, or made at his requeſt, the requeſt of another perſon, but for the purpoſe only of proſecuting by claim.

Or remain in force, &c.

X. AND BE IT ENACTED, That no caveat hereafter entered, in either of the land-offices of ſtate, ſhall remain in force and operation longer than twelve months from the entering thereof leſs under ſpecial circumſtances, the chancellor, or judge of the land-office on the eaſtern ſhore the caſe may be, ſhall ſo order and direct.

XI.

AND BE IT ENACTED, That all caveats already entered in either of the ſaid offices ſhall be to iſſue by ſubpœna, or order of the chancellor, or judge of the land-office, on the applica- the party, or by ſubmiſſion, on or before the firſt day of January, eighteen hundred, unleſs he ſpecial circumſtances the ſaid chancellor, or judge of the land-office, ſhall order a con- e; and after the expiration of the time limitted and expreſſed in this act, or by the order of ncellor, or judge of the land-office, the ſaid caveats, in either caſe before mentioned, ſhall ly diſcontinued, and the ordinary proceeding had, as if no ſuch caveat exiſted. CHAP. CXIV. To be brought to iſſue, &c.

CHAP. CXV.

Paſſed 21ſt of Jan. 1798.

ACT to enable the corporation of the city of Annapolis to lay tax on property within the ſaid city, and the precincts thereof. Lib. JG. No. 2. fol. 768.

HEREAS it is repreſented to this general aſſembly, that the annual ordinary expences of the corporation of the city of Annapolis, for the ſupport of the mayor's court and its proper , and the neceſſary charge of repairing the ſtreets, require conſiderable ſums of money, and ds belonging to the ſaid city are very trivial, and greatly inadequate to the annual expences ; Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the corporation of the ſaid city of olis, and their ſucceſſors, be and they are hereby authoriſed to lay a tax, not exceeding two s and ſix-pence in any one year for every hundred pounds of property within the ſaid city, precincts thereof, as the ſaid corporation may think proper. Corporation to lay a tax, &c.

This act to continue and be in force till the firſt day of November, in the year eighteen d, and till the end of the next ſeſſion of aſſembly that ſhall happen thereafter. Duration.

CHAP. CXVI.

ACT to continue the ſeveral acts of aſſembly therein referred to. Lib. JG. No. 2. fol. 769.

T ENACTED, *by the General Aſſembly of Maryland*, That all and every the acts of aſſembly of is ſtate, which would ceaſe and expire with this ſeſſion, be and the ſame are hereby continued he firſt day of November next, and until the end of the next ſeſſion of aſſembly which ſhall thereafter, except ſuch laws, or parts of laws, as are repealed by any act or acts paſſed this ſeſſion of aſſembly. Several acts continued.

CHAP. CXVII.

upplement to the act,* entitled, An act for the relief of inſol- nt debtors, paſſed at March ſeſſion, one thouſand ſeven hundred d ſeventy-four. Lib. JG. No. 2. fol. 769.

* 1774, ch. 28.

HEREAS the ſheriff for the time being, on the releaſement of any inſolvent debtor under the proviſions of the act to which this is a ſupplement, is made the truſtee for the benefit of the rs of ſuch inſolvent debtor, and all the real and perſonal property, and all cauſes of action, n debtor, at the time of his or her releaſement, are veſted by the ſaid act in ſuch ſheriff, and viſion is made for the completion of the truſt in caſe it ſhall not have been fully executed by eriff during his continuance in office. Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That in all caſes where any ſheriff hath ſhall not have fully executed the truſt repoſed in him in virtue of the act to which this is a ment, during his continuance in office, that all the rights, power and authority, veſted in ſuch by the ſaid act, ſhall be and are hereby transferred to and veſted in his ſucceſſor in office, who ve full power and authority to complete the ſaid truſt. Rights, &c. transferred, &c.

AND BE IT ENACTED, That it ſhall be the duty of the ſheriff to whom ſuch inſolvent debtor ve conveyed his property, and in caſe of his death of his executors or adminiſtrators, to ac- with ſuch ſucceeding ſheriff for all ſums of money or tobacco by him received in purſuance of ſt repoſed in him by the ſaid act, and the ſame, after the fees and commiſſion due to the ſaid ſhall have been deducted, to pay over to ſuch ſucceeding ſheriff, who ſhall have full power and Sheriff to account, &c.

CHAP. CXVII. authority, in case the same shall not be paid to him upon demand, in his own name to institute action for the recovery thereof against the said sheriff, his executors or administrators.

CHAP. CXVIII.

Passed 21st of Jan. 1798.

An ACT to alter such parts of the declaration of rights, the constitution and form of government, as prevent persons conscientiously scrupulous of taking an oath from being witnesses in all cases. Lib. JG. No. 2. fol. 770.

Preamble. WHEREAS persons conscientiously scrupulous of taking an oath labour under many and great inconveniencies, owing to their not being admitted to make their solemn affirmation as witnesses in all cases instead of an oath; therefore,

Persons allowed to affirm, &c. II. BE IT ENACTED, *by the General Assembly of Maryland*, That the people called Quakers, those called Nicolites or New Quakers, those called Tunkers, and those called Menonists, holding it lawful to take an oath on any occasion, shall be allowed to make their solemn affirmation as witnesses in the manner that quakers have been heretofore allowed to affirm, which affirmation shall be of the same avail as an oath, to all intents and purposes whatever.

Court to be first satisfied, &c. III. AND BE IT ENACTED, That before any of the persons aforesaid shall be admitted as a witness in any court of justice in this state, the court shall be satisfied, by such testimony as they may require, that such person is one of those who profess to be conscientiously scrupulous of taking an oath.

If confirmed, to be a part of the constitution, &c. IV. AND BE IT ENACTED, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alterations and amendment of the constitution and form of government therein contained, shall be taken and considered, and shall constitute and be valid, as part of the said constitution and form of government, to all intents and purposes, any thing in the said declaration of rights, constitution and form of government contained, to the contrary notwithstanding.

Clauses, &c. repealed. V. AND BE IT ENACTED, That the several clauses and sections of the declaration of rights, constitution and form of government, contrary to the provisions of this act, so far as they respect the rights of the sects or societies aforesaid, shall be and are hereby declared to be repealed and annulled upon the confirmation hereof.

This act was confirmed by 1798, ch. 83.

CHAP. CXIX.

An ACT to relinquish the right of this state to the lands therein referred to. Lib. JG. No. 2. fol. 771.

Preamble. WHEREAS many of the citizens of this state have, before the fourth day of July, seven hundred and seventy-six, acquired rights in certain real estates, in consequence of judgments of condemnation rendered on attachments issued from the several courts against persons nonresident of the then province, (now state,) and doubts exist as to the validity of such rights, and fears are entertained that under the act of confiscation some interest or estate in lands so circumstanced may be vested in this state, to the prejudice of the possessors, therefore,

Right released, &c. II. BE IT ENACTED, *by the General Assembly of Maryland*, That all right, title, interest, estate, claim, which the state of Maryland hath, or may have, in virtue of the act of confiscation, in and to any lands now held by any person or persons under any judgment of condemnation obtained on attachment prosecuted in any court of record before the fourth day of July, one thousand seven hundred and seventy-six, shall be and the same is hereby released for ever to the respective persons claiming and claiming said lands, or any of them, or any part of them, under and in virtue of the said derived through said judgments, or any of them; provided nevertheless, that nothing in this act shall be construed to interfere with or affect the rights of any citizen or citizens of this state acquired before the passage of this act to any land so circumstanced; provided always, that nothing herein contained shall in any manner affect or defeat the right, if any, of the informer of any of the said lands as liable to confiscation, in case he shall think proper to prosecute the same, under any of the existing laws of this state, within two years next after the passing of this law.

CH

CHAP. CXX.

Passed 21ſt of Jan. 1798.

ACT for rebuilding a bridge over Jones's Falls, in Baltimore ounty. Lib. JG. No. 3. fol. 1.

Money to be levied, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Baltimore county hall levy and aſſeſs on the aſſeſſable property of ſaid county, for rebuilding the bridge over s Falls, in the city of Baltimore, commonly called the Lower Bridge, a ſum not exceeding houſand dollars, with the uſual commiſſion to the ſheriff for collection, to be collected with the y levy in the year ſeventeen hundred and ninety-eight; which ſum of money, when levied and ted, ſhall be paid to the commiſſioners herein after named.

Commiſſioners appointed, &c.

AND BE IT ENACTED, That Richard Caton, John O'Donnell and Richard Lawſon, ſhall be re hereby appointed commiſſioners to contract for rebuilding the ſaid bridge; and in caſe any cy ſhall happen in the ſaid appointment of commiſſioners before the ſaid bridge ſhall be rebuilt, maining commiſſioners ſhall ſupply ſuch vacancy.

CHAP. CXXI.

CT to ſeparate the criminal buſineſs ariſing in the county and city of Baltimore. Lib. JG. 3. fol. 1. Repealed, after 30th January, 1800, by 1799, ch. 58.

CHAP. CXXII.

ACT for the payment of the journal of accounts. Lib. JG. o. 3. fol. 6.

Preamble.

HEREAS it appears by the journal of accounts of this ſeſſion, that there is now due from this ſtate the ſum of eleven thouſand four hundred and twenty-nine pounds nineteen ſhillings e-pence farthing,

Treaſurer to pay, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the treaſurer of the weſtern ſhore nd he is hereby authoriſed and required to pay the ſeveral perſons, their executors, admini- s, aſſigns or orders, or to ſuch of them as ſhall offer to receive the ſame, the ſeveral ſums of t money allowed to them reſpectively, as they appear to be ſettled and aſcertained by the ſaid l of accounts, out of any money now in the treaſury, or that ſhall come into the treaſury, ſub- the appropriation of the general aſſembly.

SESSION of the GENERAL ASSEMBLY of MARYLAND, 1798. egun and held at the CITY of ANNAPOLIS, on Monday, the th of November, in the year of our Lord 1798, and ended the oth day of January, 1799, the following laws were enacted.

BENJAMIN OGLE, ESQUIRE, GOVERNOR.

CHAP. I.

Paſſed 15th of Jan. 1799.

CT to ſettle and aſcertain the ſalary of members of the council for the enſuing year. Lib. No. 3. fol. 17.

CHAP. II.

ACT, entitled, An act to confirm an act, entitled, An act to ter and repeal thoſe parts of the conſtitution and form of govern- ent that make the commiſſioners of Baltimore-town judges of the ections for delegates and for elector of the ſenate. Lib. JG. o. 3. fol. 17.

Preamble.

HEREAS at a ſeſſion of aſſembly, begun and held at the city of Annapolis on Monday the ſixth of November, in the year of our Lord one thouſand ſeven hundred and ninety-ſeven, *

* Chapter 57.

an

CHAP. II.

an act of assembly, entitled, An act to alter and repeal those parts of the constitution and form government that make the commissioners of Baltimore-town judges of the elections for delegates for elector of the senate, was passed, to alter and repeal those parts of the constitution and form government that are therein mentioned: And whereas the said act of assembly hath been publi in due form for the space of three months next before the late general election of delegates to house of delegates, according to the provisions of the said form of government, and this genera sembly hereby intend to confirm the said act,

An act confirmed.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the said act, entitled, An act ter and repeal those parts of the constitution and form of government that make the commiss of Baltimore-town judges of the elections for delegates and for elector of the senate, be and hereby confirmed and made valid to every intent and purpose therein mentioned.

CHAP. III.

Passed 15th of Jan. 1799.

An ACT to authorise and empower the levy court of Baltim county to assess and levy annually a sum of money for the supp of Honour Bosley, an idiot, of Baltimore county. Lib. J No. 3. fol. 18.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of Rachel Bosley, o timore county, that she is a widow, and has a daughter an idiot, now near forty years o and that she is entirely unable to support herself and daughter, and praying that an act may pa the support and maintenance of her said daughter; and the prayer of the petitioner appearing sonable, therefore,

Justices to appoint a guardian.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy court fo time being for Baltimore county shall and they are hereby authorised and empowered to appoint chel Bosley guardian or trustee, or any other person they may think proper, for the purpose o ceiving, and applying to the use and support of Honour Bosley, an idiot, whatever sum of m may be by the justices of the levy court of Baltimore county assessed and levied as hereafter dire

And levy money, &c.

III. AND BE IT ENACTED, That the justices of the levy court for the time being of Balti county shall and they are hereby authorised and empowered to assess and levy annually on said co the sum of twenty dollars for the support and maintenance of the aforesaid Honour Bosley, and the same be collected and paid to her guardian or trustee by the collector or collectors of Balti county, agreeably to the order of the levy court aforesaid, and paid over to her said guardi trustee on or before the first day of November in each year.

Proviso.

IV. PROVIDED ALWAYS, AND BE IT ENACTED, That the justices aforesaid, before they gran said allowance, shall be satisfied that the said Honour Bosley is an idiot at the time of granting allowance.

CHAP. IV.

* 1790, ch. 8.

A Supplement to the act, * entitled, An act for the destruction wolves in Allegany county. Lib. JG. No. 3. fol. 19.

Preamble.

WHEREAS it is represented to this general assembly, that wolves are very numerous and chievous in the county aforesaid, and that they destroy a great number of sheep; there

Justices to give a certificate, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That when and as often as any cre person or persons shall bring before any justice of the peace for Allegany county the head or hea any wolf or wolves, and make oath, or affirmation if a quaker, menonist or tunker, that the wo wolves of which he or they produce the head or heads were actually caught and killed within th mits of Allegany county within six days next before the producing of the same to such justice, then such justice shall and he is hereby authorised and directed to give such person or persons ducing the same a certificate for such head or heads produced and proved as aforesaid, and in certificate to mention the oath or affirmation taken, and therein distinguish how many of the are of old or young wolves; and every justice who shall have any wolves head or heads brought b him by any person or persons as aforesaid, shall be and he is hereby authorised and empowered to of the age of the said wolf or wolves of which the said head or heads was brought before him

justice ſhall believe the age of ſuch wolf or wolves to exceed ſix months, that then he ſhall ſh it in his certificate by the words Old Wolf or Wolves, but if he ſhall believe the ſaid wolf es to be under the age of ſix months, that he ſhall diſtinguiſh the ſame by the words Young Wolves, and that every juſtice before whom any wolf's head is brought, and by whom a te ſhall be given as aforeſaid, is hereby authoriſed and directed immediately to cauſe the ears t off, and the tongue to be taken out and from the head or heads of ſuch wolf or wolves, to ſuch head or heads from being a ſecond time carried before a juſtice in order to obtain a cer-

AND BE IT ENACTED, That every perſon or perſons producing a certificate as aforeſaid to ices of Allegany county at the levy court, ſhall, for every old wolf's head be allowed eight and for every young wolf's head four dollars, to be by the ſaid juſtices aſſeſſed and levied in nty levy, together with the ſheriff's commiſſion for collecting the ſame, and to be paid by the o ſuch perſon or perſons as ſhall be entitled to the ſame as aforeſaid, any thing in any other he contrary notwithſtanding. To be allowed, &c.

This act to continue and be in force for three years, and to the end of the ſeſſion of aſſembly ll happen thereafter. Duration.

CHAP. V.

pplement to an act, * entitled, An act to aſcertain the allowance jurymen and witneſſes of the general and the ſeveral county and hans courts in this ſtate. Lib. JG. No. 3. fol. 20.

Paſſed 15th of Jan. 1799.
* 1797, ch. 94.

T ENACTED, *by the General Aſſembly of Maryland*, That there ſhall be allowed to each grand petit juryman attending the county courts, and each petit juryman attending the orphans in Allegany county, in this ſtate, the ſum of one dollar and fifty cents for each and every grand and petit juryman ſhall attend for the diſcharge of his duty as ſuch, to be allowed, nd levied, in Allegany county, in the ſame manner as allowances to jurymen are aſſeſſed and n the different counties of this ſtate, any law, uſage or cuſtom, to the contrary notwith- Allowance to jurors in Allegany county.

his act to be and continue in force as long as the law to which this is a ſupplement, and no Duration.

The principal act is continued to 20th October, 1800, &c.

CHAP. VI.

CT, entitled, An act to repeal part of an * act, entitled, An to incorporate an inſurance company in Baltimore-town, and enable any one company or ſtockholder in ſaid company to hold reater number of ſhares therein than by ſaid act it is now per- ted any one company or perſon to hold. Lib. JG. No. 3. 21.

Paſſed 15th of Jan. 1799
* 1795, ch. 59.

EREAS by the ninth ſection of ſaid act it is provided, that no one perſon or company ſhall e entitled to hold more than ten ſhares in ſaid company: And whereas experience has hat the ſaid proviſion in the ſaid act is inconvenient; therefore, Preamble.

IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid clauſe in the ſaid act, pro- at no perſon or company ſhall be entitled to hold more than ten ſhares in the ſaid company, hereby repealed, and that any one company or perſon, being at preſent ſtockholders or a er in the ſaid company, or hereafter becoming ſuch, hereby are and is, and hereafter at all ll be, entitled to hold any number of ſhares in the ſaid company not exceeding fifty, any he ſaid act to the contrary notwithſtanding. Clauſe repealed, &c.

CHAP. VII.

Passed 15th of Jan. 1799.

An ACT to authorise and empower the levy court of Montgom county to assess and levy annually a sum of money for the supp of Cassandra Thompson. Lib. JG. No. 3. fol. 22.

Preamble.

WHEREAS Cassandra Thompson, of Montgomery county, by her petition to this gener sembly hath set forth, that she is deprived of the use of her limbs by frequent attacks o rheumatism, and has no other dependence whereby to subsist but on the benevolence and care affectionate brother, who is very poor, and prays an act may pass to provide for her maintenance out of the poor's house; and the facts stated in said petition appearing to be therefore,

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of Montgomery c shall be and are hereby directed and empowered, at their levy court annually, so long as they sh cause, to assess and levy on the assessable property of said county a sum of money not exceedin ty dollars, for the support and maintenance of the said Cassandra Thompson, and that the s collected and paid annually by the collector of Montgomery county to such person as the levy of said county shall or may direct.

CHAP. VIII.

An ACT to authorise and empower the justices of the levy c for Saint-Mary's county to assess and levy annually a sum money for the purpose therein mentioned. Lib. JG. No fol. 22.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of Sarah Thom Saint-Mary's county, that she is a poor woman, the mother of a dumb child about s of age, and entirely deprived of the use of its limbs, and praying that a law may pass, auth the justices of the levy court for Saint-Mary's county to levy a sum of money for the supp her said child; and the prayer of the petitioner appearing reasonable; therefore,

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy co Saint-Mary's county be and they are hereby authorised and empowered to assess and levy a on said county, the sum of thirty dollars, for the support and maintenance of the child afo which shall be collected and paid by the collector or collectors of the county aforesaid to t Sarah Thompson, or to any other person appointed guardian or trustee to the said child, ag to the order of the levy court aforesaid.

CHAP. IX.

An ACT to authorise and empower the levy court of Saint-M county to assess and levy annually a sum of money for the pose therein mentioned. Lib. JG. No. 3. fol. 23.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of Joseph Flowe he is extremely poor, and is so unfortunate as to have a son seven years of age, dum entirely deprived of his intellects, and praying that a law may pass for the support and maint of his said son out of the poor-house; and the prayer of the said petitioner appearing reas therefore,

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy co Saint-Mary's county be and they are hereby authorised and empowered to assess and levy a on said county, the sum of thirty dollars, for the support and maintenance of James Flower, appoint Joseph Flower, or any other person, guardian or trustee to the said James Flower, to and receive the same agreeably to the order of the levy court aforesaid.

C

CHAP. X.

Passed 15th of Jan. 1799.

CT, entitled, An act to revive and continue the ſeveral acts of mbly therein mentioned to the end of this preſent ſeſſion of mbly, and to eſtabliſh and confirm all acts done in purſuance ſaid laws. Lib. JG. No. 3. fol. 24.

Preamble.

ERREAS ſeveral important laws have expired ſince the laſt ſeſſion of aſſembly, and various acts have been done, in purſuance of them, as if in full force, and it is highly neceſſary and nt that all ſuch acts ſhould be legaliſed and confirmed,

Acts revived.

E IT ENACTED, *by the General Aſſembly of Maryland*, That all and every act of the general of this ſtate, which has ceaſed and expired ſince the end of the laſt ſeſſion of aſſembly, be and each of them are hereby revived and continued until the end of the preſent ſeſſion of , and are hereby declared to be in full force, and to have effect and operation from the when they reſpectively expired, ſubject nevertheleſs to the operation of all laws repealing, or changing, any part of them.

Acts done to have effect.

ND BE IT ENACTED, That all acts done in purſuance of any of ſaid laws, as if in force, ey reſpectively expired, ſhall have the ſame effect, operation and validity, as if the ſaid laws had not expired.

CHAP. XI.

CT to empower the levy court of Harford county to aſſeſs d levy a ſum of money for the purpoſe therein mentioned. b. JG. No. 3. fol. 24.

Preamble.

HEREAS William Bankhead, of Harford county, by his petition to this general aſſembly, hath ſet forth, that he hath a brother, who has for a conſiderable time been afflicted with And whereas James Green, by his petition hath ſet forth, that he is blind, and has a large which he is unable to ſupport, and ſeverally praying that a law may paſs to provide for their out of the poor-houſe; and the prayer of the ſaid petitioners appearing reaſonable, therefore,

Juſtices to levy money, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Harford county and they are hereby directed and empowered, at their levy courts annually as long as they diſcretion may think proper, to aſſeſs and levy on ſaid county two ſeveral ſums of money, eeding in either caſe forty dollars, for the ſupport and maintenance reſpectively of the ſaid Green, and of the ſaid brother of the ſaid William Bankhead, and that the ſaid reſpective collected and paid annually to the aforeſaid William Bankhead, and the ſaid James Green, collector or collectors of Harford county, for the purpoſe aforeſaid, agreeable to the orders levy court of ſaid county.

CHAP. XII.

CT for the relief of Peter Leatherman, of Frederick county. Lib. JG. No. 3. fol. 25.
rivate Act.

CHAP. XIII.

CT for the relief of Margaret Lucorſt, of Frederick county. Lib. JG. No. 3. fol. 26.
rivate Act.

CHAP. XIV.

Paſſed 10th of Jan. 1799.

CT for the relief of Andrew Buchanan. Lib. JG. No. 3. fol. 27.

Preamble.

HEREAS Andrew Buchanan, of the city of Baltimore, merchant, by his petition to this general aſſembly, has ſet forth, that by reaſon of many misfortunes and loſſes in trade, he is wholly to ſatisfy his creditors: And whereas it appears that the ſaid Andrew Buchanan a certain deed in writing, on the twenty-firſt day of July, in the year of our Lord one nd ſeven hundred and ninety-ſeven, (a) convey, aſſign and transfer, unto John Hoſkins Stone alter Dorſey, in truſt, all his property, real, perſonal and mixed, and all his books, papers, idences of debts of every kind, for the benefit of ſuch of his creditors as might thereafter

(a) By 1799, ch. 11, which ſtates that the deed was executed in 1798, the miſtake in the date is corrected, and all pro- s confirmed.

CHAP. XIV.

ſign the ſaid deed, either in perſon or by attorney, within twelve months from the date of the ſ
And whereas it alſo appears that two thirds in value of the creditors of the ſaid Andrew Bu
either poſſeſs mortgages upon the real property of the ſaid Andrew Buchanan, or have a
ſigned the ſaid deed of truſt, and that there is every reaſon to believe, from the letters and aff
of the agents of other creditors of the ſaid Andrew Buchanan, that ſeveral others of th
creditors, not now reſiding within the limits of the United States, will, by attorney, ſign th
deed; from all which circumſtances it appearing to this general aſſembly reaſonable to gra
ſaid Andrew Buchanan relief; therefore,

A. Buchanan diſcharged, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid Andrew Buchan
and he is hereby diſcharged from all debts, promiſes, contracts, covenants and agreement
owing or growing due, incurred, contracted, made or entered into, by him, in his ſeparate ca
or in partnerſhip of trade, before the date of the ſaid deed, ſo as aforeſaid made in truſt to
Hoſkins Stone and Walter Dorſey; and that the ſaid deed ſhall be valid and remain and enure,
and effectually in law and equity, to all intents and purpoſes, and to ſuch perſons, and on
terms, as are therein deſcribed and expreſſed; provided, that any property which the ſaid A
Buchanan has acquired, or ſhall acquire, by deſcent, ſince the date of the ſaid deed, and
property which he has acquired, or ſhall acquire, ſince the date of the ſaid deed, in his own
by deviſe, bequeſt, or in a courſe of diſtribution, ſhall be liable to the payment of his ſaid
and provided alſo, that the diſcharge of the ſaid Andrew Buchanan, in virtue of this act, ſha
diſcharge any perſon who now is or ſhall be liable or anſwerable for him, in any manner whats
for any order, promiſe, contract, covenant or agreement, due, owing or growing due, inc
contracted, made or entered into, before the date of the ſaid deed.

When fraud is alleged he may be examined, &c.

III. AND BE IT ENACTED, That if any creditor of the ſaid Andrew Buchanan ſhall, with
years from the paſſage of this act, allege in writing to the chancellor, or to the general c
the weſtern ſhore, or the county court of the county where the ſaid Andrew Buchanan ſhall
that he hath, before the date of the ſaid deed, or the paſſing of this act, directly or indirect
conveyed, aſſigned, or otherwiſe diſpoſed of, or purchaſed in truſt for himſelf, or any of his
or relations, or any other perſon or perſons, intruſted or concealed, any part of his property
kind, or any part of his debts, rights or claims, thereby to deceive or defraud his creditors, o
of them, or to receive or expect any profit or advantage thereby, or that he has paſſed bon
other evidences of debt, either without conſideration, or on improper conſideration, or loſt
than one hundred pounds current money by gaming at any one time within two years befor
paſſage of this act, the ſaid chancellor, or court reſpectively, may thereupon, at the election o
creditor making ſuch allegation, either examine the ſaid Andrew Buchanan, and any perſon or
ſons, to whom he may have made any conveyance or conveyances of his property, or paſſed
or evidences of debts as aforeſaid, on interrogatories, on oath, or affirmation, touching the ſa
of the ſaid allegations, or direct an iſſue or iſſues in a ſummary way without the form of an a
to determine the truth of the ſame, and if, upon the anſwer of the ſaid interrogatories, or the
of the ſaid iſſue or iſſues by a jury, the ſaid Andrew Buchanan ſhall be found guilty of any fra
deceit of his creditors, or loſs by gaming as aforeſaid, he ſhall be for ever precluded from
benefit of this act; and in caſe the ſaid Andrew Buchanan, or other perſon, ſhall, at any time
after, upon any indictment, be convicted of wilfully, falſely and corruptly ſwearing or affirmi
any matter or thing to which he ſhall ſwear, or affirm, by virtue of this act, he ſhall ſuffer as i
caſe of wilful and corrupt perjury, and be for ever debarred from any benefit of this act; pro
that the ſale of ſtock and plantation utenſils, and ſeventeen buſhels of ſowing rye, by the truſte
the ſaid deed to Lloyd Buchanan, brother of the ſaid Andrew, and for his uſe, ſhall not be
ſidered as a ſale contrary to the proviſions of this act.

And if arreſted may be diſcharged, &c.

IV. AND BE IT ENACTED, That if the ſaid Andrew Buchanan ſhall have been arreſted or i
ſoned on any proceſs ſued out on any judgment or decree obtained againſt him for any debt, da
or coſts, contracted, owing, or growing due before the paſſage of this act, the court out of w
the proceſs iſſued ſhall and may diſcharge the ſaid Andrew Buchanan on motion; and if he ſhall
been arreſted or impriſoned on any proceſs for the recovery of any debt, damages or coſts, co
ed, owing, or due before the paſſing of this act, the court before whom ſuch proceſs ſhall be re
ed ſhall and may diſcharge the ſaid Andrew Buchanan out of cuſtody on common bail; pro
that the diſcharge of the ſaid Andrew Buchanan ſhall not acquit any other perſon from ſuch
damages or coſts, or any part thereof, but that all ſuch perſons ſhall be anſwerable for the ſa
ſuch manner as they were before the paſſing of this act.

CH

CHAP. XV.

T to empower Thomas Johnſon, James Johnſon, Baker Johnſon and Roger Johnſon, to re- their ſlaves into this ſtate from Virginia. Lib. JG. No. 3. fol. 29. A Private Act. Paſſed 15th of Jan. 1799.

CHAP. XVI.

ACT relating to the public roads in Caroline county. Lib. JG. o. 3. fol. 30.

HEREAS the preſent mode of repairing the public roads in Caroline county are found by ex- perience to be expenſive, and inadequate to the purpoſe intended; and it has been found y that proper regulations ſhould forthwith be made for keeping the roads of the ſaid county epair; therefore, Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the peace for the aforeſaid, or a majority of them, be and they are hereby authoriſed and required to meet to- on the firſt Monday of April next, and on the ſame day in every year thereafter, at the ouſe in the ſaid county, and when ſo met together, the ſaid juſtices, or a majority of them, and they are hereby authoriſed and required to deſcribe, aſcertain, and diſtinctly record in a und book to be provided by them for that purpoſe, the ſeveral and reſpective roads and public s in Caroline county, and to nominate and appoint capable and judicious perſons as overſeers ſeveral and reſpective roads aforeſaid, according to the number and diviſions of the ſaid s the ſame ſhall be aſcertained upon their records; provided nevertheleſs, that the ſaid roads ſo apportioned, divided and deſcribed, as not to require a greater number of overſeers than any one hundred of the ſaid county; and that the ſaid juſtices, or a majority of them, may from day to day until the ſaid roads ſhall be duly aſcertained, and overſeers appointed as d. Juſtices to meet, &c.

AND BE IT ENACTED, That the clerk of the ſaid county ſhall attend the juſtices of the t their ſaid meetings, and ſhall make fair entries and records of their proceedings in virtue act, and ſhall, within the ſpace of ten days after the appointment of overſeers as aforeſaid, rrants to the ſaid overſeers, under his hand, and the ſeal of his office, notifying the ſaid per- their appointments reſpectively, as overſeers of the ſaid roads, according to the uſual forms, reſpect to the alterations required by this act; and the ſaid clerk ſhall, within the time afore- liver the ſaid warrants to the ſheriff of Caroline county aforeſaid, and ſhall take the receipt ſheriff for the ſame; and the ſaid ſheriff ſhall be and he is hereby authoriſed and required, he ſpace of twenty days after receiving the ſaid warrants, to deliver the ſame to the reſpective appointed overſeers as aforeſaid, and to take their ſeveral receipts for the ſame; and if any aid overſeers ſhall refuſe to receive their reſpective warrants, the ſaid ſheriff ſhall leave the their place of abode, and certify the juſtices of the levy court thereof; and if the clerk ff of the ſaid county ſhall neglect or refuſe to execute and perform the reſpective duties before required, within the reſpective periods limitted as aforeſaid, the ſaid clerk or ſo neglecting or refuſing, ſhall forfeit and pay the ſum of fifty dollars for each and every Clerk to attend the juſtices, &c.

AND BE IT ENACTED, That each and every perſon, ſo appointed overſeer as aforeſaid, who glect or refuſe to accept of his appointment, after receiving his warrant as aforeſaid, ſhall nd pay the ſum of ten dollars for every refuſal or neglect; provided nevertheleſs, that no of the legiſlature, nor magiſtrate, nor preacher, nor teacher, nor practiſing attorney, nor n, nor commiſſioner of the tax, ſhall be liable to ſerve as overſeers of the ſaid roads, without heir conſent; and provided alſo, that no perſon ſhall be compellable to act as overſeer of any re than one year in every three years, without his conſent. Penalty on overſeers for refuſing to ſerve, &c.

ND BE IT ENACTED, That it ſhall be the duty of the ſaid overſeers to keep all the public the ſaid county well and ſufficiently cleared and grubbed, fit for travelling, twenty feet the leaſt, and to make and keep good and ſubſtantial bridges over all the heads of rivers, branches and ſwamps, where the ſame ſhall be neceſſary, for the convenient and eaſy paſſage ellers, with their waggons, carts, carriages, horſes and cattle, and to remove all nuiſances ay obſtruct or annoy their paſſage, and well and ſufficiently to cauſeway all and ſingular ſuch n and upon the ſaid roads as ſhall require the ſame, at the diſcretion and by the direction of juſtices; and for this purpoſe the ſaid juſtices, or ſome one or more of them, in their ve neighbourhoods, ſhall be and they are hereby authoriſed and required, from time to time, Overſeers to keep the roads cleared, &c.

CHAP. XVI.

to ſuperintend the making and repairing of the ſaid roads, bridges and cauſeways, and to direct and adviſe the overſeers in the execution of this act.

Penalty for neglect, &c.

VI. AND BE IT ENACTED, That if any of the ſaid overſeers ſhall not well and ſufficiently grub, amend and repair, the ſaid ſeveral and reſpective roads committed to their charge, within reaſonable time after the ſame ſhall be out of repair, or ſhall not make and keep in repair good ſubſtantial bridges over the heads of rivers, creeks, branches or ſwamps, where the ſame ſhall be neceſſary as aforeſaid, or ſhall not remove all nuiſances from the ſaid roads, or ſhall not well and ſufficiently cauſeway all and ſingular ſuch places in and upon the ſaid roads as ſhall require the ſame, or ſhall permit or ſuffer any fallen trees, or other obſtruction, to remain in or acroſs any of the public roads for the ſpace of two days after notice thereof, or ſhall neglect to fell, or cauſe to be felled and removed, all decayed or dead trees on either ſide of the ſaid public roads, whoſe limbs any of them hang over the ſame, and may by their falling injure travellers, or ſhall not lop and cut off all limbs or branches of trees hanging or projecting over the ſaid roads, within fifteen feet of the ſurface thereof, or ſhall in any other manner fail or neglect to perform the duties of an overſeer of the ſaid roads, according to the directions of this act, every ſuch overſeer, ſo failing or neglecting, ſhall forfeit and pay the ſum of five dollars for every offence, except in the time of wheat harveſt.

They may dig and remove ſtones, &c.

VII. AND BE IT ENACTED, That it ſhall and may be lawful for the ſeveral and reſpective overſeers of the ſaid roads, and they are hereby authoriſed and empowered, as often as need ſhall require, to dig, take and remove, any ſtones, gravel, or earth of firm quality, which may be found in any land adjoining the roads for which the ſame may be neceſſary, and to employ the ſame in repairing of the ſaid roads; and for the making or repairing of bridges over the heads of rivers, creeks, branches, ſwamps, or other low and miry places, through and over which the ſaid roads paſs, to cut down, or cauſe to be cut down, any tree or trees growing on any of the next adjoining lands to ſuch places where bridges may be neceſſary as aforeſaid, and the ſame trees to make and carry away from off ſuch lands, and to apply the ſame to the making or repairing of the ſaid bridges: provided always, that no encloſures ſhall be laid open or entered into to obtain the ſeveral materials aforeſaid, or any of them, without the conſent of the owner or owners thereof; and provided alſo, that before any tree or trees ſhall be cut down for the purpoſes aforeſaid, notice thereof ſhall be given to the owner, tenant or overſeer, and due compenſation made or ſecured to him or them by the county, according to the full value thereof, in ſuch manner as the juſtices of the levy court ſhall direct and appoint.

Call on all free male inhabitants, &c.

VIII. AND BE IT ENACTED, That the ſaid overſeers ſhall have power, and they are hereby authoriſed and required, to call upon all and ſingular the free male inhabitants of their reſpective limits above the age of twenty-one years, and upon all and ſingular the male ſlaves reſiding therein above the age of ſixteen years, to labour and aſſiſt in clearing, amending, improving and repairing the ſeveral and reſpective roads aforeſaid, and to require ſuch and ſo many of the ſaid perſons as they ſhall from time to time deem neceſſary, to aſſemble at ſuch place within their reſpective limits as the ſaid overſeers ſhall ſeverally appoint, with ſufficient implements of labour, and there to proceed in the execution of ſuch work and labour upon the ſaid roads, for the improvement and repair thereof, as the reſpective overſeers ſhall order and direct; and the ſaid overſeers ſhall alſo have power to hire and employ carts and teams for the carrying and removing all ſuch ſtones, dirt, gravel and timber, as may be deemed requiſite for repairing and completing the ſaid roads and bridges; the expence of ſuch carts and teams ſhall be levied upon the county.

Take a liſt of names, &c.

IX. AND BE IT ENACTED, That within one month after the receipt of their reſpective warrants the ſeveral overſeers aforeſaid, under the directions of the ſaid juſtices, ſhall repair to the houſe of every tenant or proprietor reſiding within the limits attached to their reſpective roads, and there take down a proper liſt of the names of all and ſingular the free male inhabitants reſiding therein above the age of twenty-one years, and of all the male ſlaves above the age of ſixteen years; and the ſaid overſeers ſhall juſtly and impartially call for and require the labour of all and ſingular the perſons aforeſaid, alternately, and in ſuch convenient numbers and claſſes as to place the burden of their ſervice equally upon all; provided nevertheleſs, that the labour of the ſaid perſons ſhall not be called forth for the purpoſes of this act during the ſeaſon of harveſt, nor in ſuch manner as to take more than the number of labourers belonging to one family at the ſame time.

Summon the claſs arranged, &c.

X. AND BE IT ENACTED, That as often as the ſaid overſeers ſhall judge it neceſſary to call the ſaid inhabitants for their labour in and upon the ſaid roads, they ſhall ſummon, or cauſe to be ſummoned, the number and claſs which they ſhall have previouſly arranged, having had regard

ntity and quality of work neceſſary to be done upon the ſaid roads, giving each perſon, and ſter, miſtreſs or overſeer of each ſervant or ſlave, ſo to be ſummoned, two days notice at the f the time and place appointed for their labour, except in ſuch extraordinary caſes which may a ſhorter notice, and every perſon ſo ſummoned ſhall be obliged to attend in perſon, or to a ſufficient ſubſtitute; and if any perſon, being ſo ſummoned, ſhall neglect or refuſe to or to provide a ſufficient ſubſtitute, he ſhall forfeit and pay the ſum of one dollar for every ; and if any perſon ſhall attend, and not perform the reaſonable labour required of him by erſeer of the road, according to his ability, he ſhall be adjudged a defaulter, and ſhall incur he penalty as if he had neglected to attend; and in caſe the maſter, miſtreſs or overſeer, of vant or ſlave, upon being notified as aforeſaid, ſhall refuſe or neglect to ſend ſuch ſervant or r upon ſending, ſuch ſervant or ſlave ſhall refuſe to perform his reaſonable labour as aforeſaid, aſter, miſtreſs or overſeer, ſhall forfeit and pay the ſum of one dollar for every ſervant or refuſed to be ſent, or when ſent refuſing to work as aforeſaid.

AND BE IT ENACTED, That it ſhall be the duty of the ſaid overſeers to keep a true and pro- of all and every perſon or defaulter, who, being ſummoned as aforeſaid, ſhall neglect or re- attend at the times and places appointed as aforeſaid, or if attending, ſhall not perform his able labour, and of every maſter, miſtreſs or overſeer of ſervants and ſlaves, who ſhall incur nalty aforeſaid; and the ſaid overſeers of roads ſhall, once in every three months, call upon nd every of the ſaid perſons, and demand the payment of all and ſingular the ſums of money m, or any of them, ſo forfeited, and on refuſal or neglect to pay the ſame, the ſaid overſeers roceed to recover the ſame before a ſingle magiſtrate, by due courſe of law; and the ſaid over- hall, every ſix months, render their accounts of all fines and forfeitures received by them in of this act to the juſtices of the levy court, upon oath, or affirmation, and pay the amount f in ſuch manner as the ſaid juſtices ſhall order and appoint. And keep a liſt of all defaulters, &c.

AND BE IT ENACTED, That if any of the overſeers ſo to be appointed ſhall refuſe to act, , become diſqualified, or die, it ſhall and may be lawful for any two of the neighbouring juſ- o ſupply every vacancy ſo happening, by the appointment of another perſon, and they ſhall every ſuch appointment, under their hands, to the clerk of the county, who ſhall record the nd within five days thereafter ſhall iſſue a warrant to the perſon ſo appointed, and deliver the the ſheriff, to be ſerved upon the party as herein before directed. How vacancies are to be filled.

AND BE IT ENACTED, That every overſeer ſo to be appointed by virtue of this act ſhall ively be allowed a ſum, not exceeding eight dollars by the year, for ſummoning, directing and tending, the labourers employed upon the ſaid roads, which allowance ſhall be paid to them juſtices of the levy court out of the fines and forfeitures impoſed and levied by this act, and d to be inſufficient for this purpoſe at the expiration of every year, the deficiency ſhall be aſ- nd levied upon the county in the ſame manner as other public charges. Overſeer's allowance.

AND BE IT ENACTED, That any of the juſtices of the peace of the ſaid county, who, upon n view, or on the information, oath or affirmation, of one or more credible witneſſes, ſhall r or be ſatisfied that any bridge, road or cauſeway, is out of repair, from the neglect of duty overſeer within whoſe limits the ſame ſhall be, except in time of wheat harveſt, ſhall iſſue his t, in the name of the ſtate, againſt ſuch overſeer, and if judgment ſhall be rendered againſt the fine or forfeiture impoſed by this act, the ſame ſhall be certified by the juſtice rendering ne to the clerk of the ſaid county, who ſhall thereupon iſſue proceſs of execution, directed to riff, for the recovery thereof, and the ſame ſhall be accounted for and paid to the order of the urt; provided nevertheleſs, that nothing herein contained ſhall prevent any of the ſaid over- ffending againſt the proviſions of this act from being preſented by the grand jury for any ne- f duty not before puniſhed by any of the juſtices of the peace as aforeſaid. Juſtice may iſſue his warrant in certain caſes, &c.

AND, whereas it may be proper and neceſſary to veſt a competent power in the juſtices of the urt to turn, alter, ſtreighten or lay out roads in the county aforeſaid, where the proprietors lands through which the roads which may be intended to be ſo turned or altered may paſs are and capable of conſenting to applications of this nature; therefore, BE IT ENACTED, That he application in writing from all the proprietors of the lands through which any public road ſs, or be prayed to paſs, petitioning for the turning, altering, ſtreightening or laying out a road, it ſhall and may be lawful for the juſtices of the ſaid levy court, upon being ſatisfied e granting of ſuch petition will be of public convenience, and they are hereby authoriſed and ered, to direct the ſurveyor of the ſaid county to lay out ſuch road, agreeably to the prayer On application, road may be turned, &c.

of

CHAP. XVI.

of ſuch petition, or in ſuch other manner as they ſhall think moſt expedient, not exceeding ... feet in breadth, without the conſent of the ſaid proprietors, and to make return of ſuch loc... with all convenient ſpeed; and after ſuch road ſhall be ſurveyed and laid out agreeably to the in... tions of this act, the ſaid court ſhall direct the application for ſuch road, and the order and ... ceedings thereupon, and the return of the ſurveyor, to be enrolled among their records, and ... upon and thereafter ſuch road ſhall be deemed and conſidered to be a public road, and ſhall be ... up and repaired as other public roads in the ſaid county; provided nevertheleſs, that no old ro... to be affected by this act, ſhall be ſtopped up until the new road ſhall be viewed, examined an... ceived, by two juſtices of the peace, to be appointed by the ſaid court; and provided alſo, that ... new road ſhall be laid out, made and completed, at the proper expence of the parties applyi... the ſame; and provided further, that no ſuch application ſhall affect the lands of infants, pe... *non compotes mentis*, or perſons beyond the limits of this ſtate, until the ſaid diſabilities ſhall b... moved.

Penalty on perſons altering, &c. any road.

XVI. AND BE IT ENACTED, That if any perſon or perſons ſhall alter or change, or in any ... ner obſtruct or encroach upon, any of the ſaid roads, or any part or parts thereof, or cut down, ... ſtroy or injure, any of the bridges, cauſeways, boundaries, marks or directions therein or th... on, without the licence of the juſtices of the levy court obtained as aforeſaid, every ſuch perſ... perſons, being thereof convicted in the county court, ſhall forfeit and pay a fine, in the diſcreti... the court, not exceeding the ſum of one hundred dollars, according to the nature and degree o... offence.

Acts repealed, &c.

XVII. AND BE IT ENACTED, That from and after the ſaid firſt Monday in April next, all ... every act and acts of aſſembly, and every clauſe and ſection thereof, which may reſpect the p... roads of Caroline county, be and the ſame are hereby repealed; provided nevertheleſs, that no... herein contained ſhall be conſtrued or taken to affect any private act or acts of aſſembly granted ... the application of any particular individual, or the act of aſſembly paſſed at October ſeſſion, in ... year one thouſand ſeven hundred and fifty-three, * entitled, An act for repairing the public ... in this province, or any act or acts of aſſembly for the building or repairing of any bridge or br... that are built or maintained at the public or county charge.

* Chapter 16.

CHAP. XVII.

Paſſed 15th of Jan. 1799.

An ACT for the ſupport of John Thompſon. Lib. JG. No. fol. 38.

Preamble.

WHEREAS Raphael Thompſon, of Frederick county, by his petition to this general aſſe... has ſet forth, that he has, among other children, a ſon who now is a young man, who i... ſane, and that he the ſaid Raphael Thompſon, father of John Thompſon, is not able to maintain ... and prays that an act may paſs to provide for the ſupport of the ſaid ſon out of the poor-houſe; ... the facts ſtated in the ſaid petition appearing true,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Frederick county ... and they are hereby empowered, at their levy courts annually, ſo long as they may ſee cau... aſſeſs and levy on ſaid county a ſum of money, not exceeding thirty dollars, for the ſupport ... maintenance of the ſaid John Thompſon.

CHAP. XVIII.

An ACT for making valid a corrected certificate of land therein mentioned. Lib. JG. N... fol. 39. A Private Act.

CHAP. XIX.

An ACT for the opening of Second-ſtreet, in the city of Baltimo... Lib. JG. No. 3. fol. 40.

A Supplement 1799, ch. 31.

Preamble.

WHEREAS ſundry perſons of the city of Baltimore have repreſented to this general aſſe... that the health and convenience of the inhabitants of ſaid city would be materially bene... by the opening and extending of Sharping lane, now called Second-ſtreet, in the ſaid city, wh... at preſent conſiderably obſtructed by ſeveral ſmall and confined buildings, erected and ſtandi... that part of ſaid ſtreet neareſt to and adjoining South-ſtreet: And whereas this general aſſembly ...

auſe to believe that the repreſentation of the ſaid inhabitants is juſt and reaſonable; there- CHAP. XIX.

Lane to be extended, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the city commiſſioners of the city imore ſhall and they are hereby authoriſed and empowered to extend and open Sharping lane, lled Second-ſtreet, in the city of Baltimore, to the breadth of forty-nine feet and one half om the point where the ſaid ſtreet interſects Gay-ſtreet to that point where it paſſes into ſtreet; and the ſaid ſtreet, when ſo opened and extended, and the valuation and aſſeſſment after directed to be made ſhall have taken place, ſhall be deemed and taken, and is hereby deto be, a public ſtreet and highway for ever thereafter; and the ſaid commiſſioners are hereby d to return a plot, aſcertaining the limits and extent of the ſaid ſtreet, when ſo extended and , to the regiſter of the city of Baltimore, who ſhall receive and file the ſame as part of the the city of Baltimore.

Sheriff to ſummon freeholders, &c.

AND BE IT ENACTED, That the ſheriff of Baltimore county, after having given at leaſt ten tice in one of the news-papers of the city of Baltimore, ſhall, at any time before the firſt y of May next, ſummon twelve freeholders, inhabitants of the ſaid city, not intereſted in the s, who being firſt ſworn to aſſeſs and value what damages ſhall be ſuſtained by any perſon or whomſoever by reaſon of the opening and extending the aforeſaid ſtreet, (taking all benefits onveniencies into conſideration,) ſhall proceed to aſſeſs and value what damages may be ſuſby any perſon or perſons whomſoever by opening and extending the ſaid ſtreet, and ſhall alſo what ſum of money each individual benefitted thereby ſhall reſpectively contribute and pay compenſating the perſon or perſons injured by opening and extending the ſaid ſtreet; names of the perſon or perſons, and the ſums of money which they ſhall reſpectively be to pay, ſhall be returned, under their hands and ſeals, to the regiſter aforeſaid of the ſaid be filed and kept in his office; and the perſon or perſons benefitted by the opening of ſaid nd aſſeſſed as aforeſaid, ſhall reſpectively pay the ſum or ſums of money ſo charged and aſhim or them, with intereſt thereon at the rate of ſix *per centum* from the time limitted for ment thereof.

Sums aſſeſſed to be a lien.

AND BE IT ENACTED, That the ſums of money aſſeſſed and charged to each individual bene- extending and opening the aforeſaid ſtreet, ſhall be a lien upon and bind all the property ſo ed thereby to the full amount thereof.

Perſons injured may ſue, &c.

ND BE IT ENACTED, That in caſe the perſon or perſons injured by opening and extending ſtreet ſhall not be paid the damages by them reſpectively ſuſtained and aſſeſſed as aforeſaid, ix months after the ſame ſhall be aſcertained as aforeſaid, he, ſhe or they, ſhall and may inits in Baltimore county court for the recovery thereof, in which it ſhall be ſufficient to demoney had and received, and this act, and the proceedings under the ſame, ſhall be evidence rt ſuch action or actions inſtituted as aforeſaid.

Trial to be had the firſt court, &c.

AND BE IT ENACTED, That in caſe any ſuit ſhall be inſtituted as aforeſaid for the recovery m or ſums of money in virtue of this act, if the perſon or perſons inſtituting the ſame ſhall rt note, expreſſing the ground of ſuch action, at leaſt twenty days before the ſitting of the nd cauſe a copy thereof to be ſerved on the defendant, or left at his laſt place of abode, the all proceed to trial at the court to which the writ ſhall be returnable, and no imparlance or all be allowed.

Street not to be extended, &c.

AND BE IT ENACTED, That the ſtreet aforeſaid ſhall not be extended or opened through the of any individual injured thereby, until the damage by them ſuſtained and aſſeſſed as aforebe firſt paid, or ſecured to be paid to their ſatisfaction, together with legal intereſt thereon time of aſcertaining the damages by them reſpectively ſuſtained.

Commiſſioners may remove obſtructions, &c.

AND BE IT ENACTED, That in caſe the obſtructions in the ſaid ſtreet are not removed enty days after the money charged and aſſeſſed as aforeſaid is paid, or tendered or ſecured as aforeſaid, the city commiſſioners aforeſaid are hereby authoriſed and directed to remove without delay, and to charge the expence of ſuch removal in equal proportion among the rſons benefitted by the opening and extending the aforeſaid ſtreet, according to the benefit h may have been eſtimated to have received agreeably to the aſſeſſment and valuation afore-

IX. PROVIDED

CHAP XIX.

Proviſo.

IX. PROVIDED ALWAYS, That nothing herein contained ſhall be conſtrued to authoriſe the aforeſaid to aſſeſs any money or monies for the purpoſes of this act on any perſon or perſons what excepting thoſe reſident or holding property on Second-ſtreet, between Gay-ſtreet and South-ſ

Extended to perſons holding houſes, &c. in and upon Second-ſtreet, between South-ſtreet and Frederick-ſtreet, and on ſtreet, and the former jury directed to make the aſſeſſment, by 1799, ch. 31.

CHAP. XX.

Paſſed 15th of Jan. 1799.

An ACT to prevent hogs and geeſe going at large in the town William's Port, in Waſhington county. Lib. JG. No. 3. fol.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the running at large of hogs geeſe in William's Port, is injurious to the inhabitants of ſaid town; therefore,

No perſon to raiſe hogs, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt Mond March next, it ſhall not be lawful for any perſon or perſons whatſoever to raiſe or keep any within ſaid town, except in encloſures, or to ſuffer any hogs to go and remain at large therein if any hogs, the property of the inhabitants of William's Port, ſhall be found going and rem at large within ſaid town, it ſhall and may be lawful for any perſon or perſons to kill or impou ſame, and if impounded, ſuch perſons ſhall immediately give notice, by advertiſements ſet up a moſt public places in ſaid town, deſcribing the hogs ſo impounded, and if the owner or owners not, within five days thereafter, prove his or their property therein, and make compenſation f injury, if any, which may have been ſuſtained by any inhabitants of ſaid town, to be aſcertain any two diſintereſted perſons, inhabitants as aforeſaid, and ſhall not pay for every ſuch hog th of two ſhillings for every day it ſhall have been ſo impounded, it may be lawful for the perſon ſons ſo impounding as aforeſaid to ſell or kill the ſame for his or their benefit.

No perſon to raiſe geeſe, &c.

III. AND BE IT ENACTED, That from and after the paſſing of this act, it ſhall not be law any perſon or perſons, inhabitants of ſaid town, to raiſe or keep any geeſe within ſaid town, in encloſures, or to ſuffer any geeſe to go and remain at large therein; and if any geeſe belon the inhabitants thereof ſhall be found going and remaining at large within ſaid town, it ſh may be lawful for any perſon or perſons to kill or impound the ſame, and if impounded, ſuch p ſhall immediately give notice, by advertiſement ſet up at the moſt public places in ſaid tow ſcribing the geeſe ſo impounded, and if the owner or owners ſhall not, within five days there prove his or their property therein, and make compenſation for the injury, if any, which ma been ſuſtained by any inhabitants of the ſaid town, to be aſcertained by any two diſintereſted p inhabitants as aforeſaid, and ſhall not pay for every ſuch gooſe the ſum of ſix-pence for every ſhall have been ſo impounded, it may be lawful for the perſon or perſons ſo impounding as afo to ſell or kill the ſame for his, her or their benefit.

General iſſue pleadable, &c.

IV. AND BE IT ENACTED, That if any perſon or perſons ſhall be ſued and impleaded for k deſtroying and ſelling, any ſuch hog or geeſe as aforeſaid, the defendant or defendants may plea general iſſue, and give this act and the ſpecial matter in evidence.

CHAP. XXI.

An ACT to pay the civil liſt, and other expences of civil gover ment. Lib. JG. No. 3. fol. 44.

Preamble.

WHEREAS thoſe who dedicate their time, abilities and labour, to the public, ought to re a reaſonable and adequate compenſation for their ſervices,

Officers ſalaries.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the following officers of government for the time being ſhall be entitled to receive at the rate of the following ſalari current money for the enſuing year, to wit: The treaſurer of the weſtern ſhore, two thouſan lars; the treaſurer of the eaſtern ſhore, four hundred and fifty dollars; the auditor, eight h dollars; the clerk of the council, ſeven hundred dollars; the clerk of the ſenate, one hundr fifty dollars; the clerk of the houſe of delegates, three hundred dollars; the printer to the fourteen hundred dollars; the meſſenger to the council, two hundred and fifty dollars.

Monies to be firſt applied.

III. AND BE IT ENACTED, That all monies which ſhall remain in the treaſury, after diſch the journal of accounts, and all unappropriated money which may come into the treaſury, ſ applied to the payment of the civil liſt for the enſuing year.

CH

CHAP. XXII.

ACT for the deſtruction of wolves in Frederick county. Lib. JG. No. 3. fol. 45.

Paſſed 15th of Jan. 1799.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that wolves are very numerous and miſchievous in the county aforeſaid, and that they deſtroy a great number of ſheep; therefore,

Juſtice to give a certificate, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That when and as often as any free or perſons ſhall bring before any juſtice of the peace for Frederick county the head or heads of lf or wolves, and make oath, or affirmation if a quaker, menoniſt or tunker, that the wolf or of which he or they produce the head or heads were actually caught and killed within the li- Frederick county within ſix days next before the producing of the ſame to ſuch juſtice, that ch juſtice ſhall and he is hereby authoriſed and directed to give ſuch perſon or perſons pro- the ſame a certificate for ſuch head or heads produced and proved as aforeſaid, and in ſuch ate to mention the oath or affirmation taken, and therein diſtinguiſh how many of the heads old or young wolves; and every juſtice who ſhall have any wolves head or heads brought before any perſon or perſons as aforeſaid, ſhall be and he is hereby authoriſed and empowered to judge age of the ſaid wolf or wolves of which the ſaid head or heads was brought before him, and juſtice ſhall believe the age of ſuch wolf or wolves to exceed ſix months, that then he ſhall uiſh it in his certificate by the words Old Wolf or Wolves, but if he ſhall believe the ſaid wolf lves to be under the age of ſix months, that then he ſhall diſtinguiſh the ſame in his certifi- y the words Young Wolf or Wolves, and that every juſtice before whom any wolf's head is t, and by whom a certificate ſhall be given as aforeſaid, is hereby authoriſed and directed im- ely to cauſe the ears to be cut off, and the tongue to be taken out of and from the head or of ſuch wolf or wolves, to prevent ſuch head or heads from being a ſecond time carried before e in order to obtain a certificate.

To be allowed, &c.

AND BE IT ENACTED, That every perſon or perſons who ſhall produce a certificate as afore- the juſtices of Frederick county at the levy court ſhall, for every old wolf's head be allowed dollars, and for every young wolf's head be allowed eight dollars, to be by the ſaid juſtices and levied in the county levy, together with the ſheriff's or collector's commiſſion for collect- e ſame, and to be paid by the ſheriff or collector to ſuch perſon or perſons as ſhall be entitled ſame as aforeſaid, any thing in any other law to the contrary notwithſtanding.

Duration.

This act to continue and be in force for four years, and to the end of the next ſeſſion of aſ- which ſhall happen thereafter.

CHAP. XXIII.

ACT for the relief of Philemon Dorſey, of Anne-Arundel ounty, a lunatic. Lib. JG. No. 3. fol. 46.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the annual proceeds of the perſonal eſtate of the ſaid Philemon Dorſey is by no means ſufficient for his ſupport, and that he is in fee of two parcels of land, ſituate in Anne-Arundel county, which are totally unproductive, e not being improved, and the other ſubject to the life eſtate of his mother, and that if the or part thereof, were ſold on a credit, and the proceeds loaned out on intereſt, for the uſe of d lunatic, that the ſame would be amply ſufficient for his ſupport and maintenance; and it ap- g reaſonable the real eſtate of the ſaid lunatic ſhould be applied to his ſupport,

Chancellor to order a ſale, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the chancellor for the time being ave power and authority, upon application of any perſon on the part of ſaid Philemon Dorſey, eing ſatisfied that it is neceſſary for the ſupport and maintenance of ſaid Philemon Dorſey, to the whole, or ſuch part of the real eſtate of ſaid Philemon Dorſey as he may think neceſſary, ſold for the purpoſe aforeſaid, upon ſuch terms as he may think proper, and to appoint a truſtee ſtees for the purpoſe of effecting ſuch ſale or ſales.

To be confirmed by him, &c.

AND BE IT ENACTED, That all ſales made by the authority of the chancellor under this act, e notified to, and confirmed by, the chancellor, before any conveyance of the property ſhall de; and bond, with good and ſufficient ſecurity, to be approved by the chancellor, ſhall be by the perſon or perſons empowered to ſell the property as aforeſaid, for the due execution of uſt committed, which bond ſhall be lodged with the regiſter in chancery.

CHAP. XXIII.

He may direct the application of the money.

IV. AND BE IT ENACTED, That the chancellor shall have full power and authority to direct application of money arising from such sale or sales, and the interest thereof, for the purposes aforesaid, and to direct from time to time in what funds the money arising from said sales shall be vested, and in all things to order in the premises as he may deem for the benefit and advantage of said lunatic.

To whom it shall belong.

V. AND BE IT ENACTED, That the principal sum arising from the sale of the said real estate, or so much thereof as may remain unapplied to the use and maintenance of said lunatic, during the life-time of said lunatic, shall, on the death of the said lunatic, belong to such person or persons, his, her or their heirs, or legal representatives, as would have been entitled to the said real estate in case the same had not been sold.

CHAP. XXIV.

Passed 15th of Jan. 1799.

An ACT for the establishment of vestries for each parish in this State. Lib. JG. No. 3. fol. 48.

Preamble.

WHEREAS it is represented to this general assembly, that the act for the establishment of vestries, and the supplements thereto, are inadequate to the exigencies of the protestant episcopal church in this state, for which the said acts were intended to provide;

How vestries are to be chosen, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That vestries shall be chosen for each parish within this state in the following manner: Every free white male citizen of this state, of twenty-one years of age, resident of the parish where he offers to vote six months next preceding the day of election, who shall have been entered on the books of the said parish one month at least preceding the day of election as a member of the protestant episcopal church, and who shall also contribute to the charges of the said parish in which he offers to vote such sum as a majority of the vestry of each parish shall annually, within ten days after their election, in writing, make known and declare, not exceeding two dollars, shall have a right of suffrage in the election of vestrymen for such parish; and all persons so qualified shall, on the next ensuing Easter Monday, assemble in their respective parishes, at their parish church, or if there shall be two or more protestant episcopal churches in any parish, at the church first built therein, or if there be in any parish no such church, then at such other place as the rector of the parish, or if there be no rector, as any three or more vestrymen shall have publicly notified to the parishioners, and the said persons, so qualified to vote, when assembled, or such of them as may assemble in each parish, shall proceed, by a majority of votes, to elect, by ballot, eight vestrymen from among the persons qualified to vote, who, with the rector of the parish for the time being, shall be deemed and considered the vestry of the said parish for the ensuing year; and the rector of the parish shall always be one of the vestry.

Register to enrol persons, &c.

III. AND BE IT ENACTED, That the register of the parish shall, and it is hereby declared to be his duty, to enrol any person of the protestant episcopal church who shall apply for the purpose, in the books of the parish, under the penalty of eight dollars, and he shall be authorised to demand and receive the sum of six cents for each and every such enrolment.

How vacancies are to be filled.

IV. AND, to perpetuate the vestry in each parish, BE IT ENACTED, That on refusal to serve, resignation, death, or removal from the parish with a view to reside elsewhere, or on legal disability from serving, or any other disqualification of any person chosen a vestryman, the rector, (if any) and if no rector, any two of the vestry, or of those persons who last possessed the powers of vestrymen, shall, with all convenient speed, appoint a general meeting of the parishioners entitled to suffrage aforesaid, at the parish church or elsewhere, as herein before mentioned; and at such meeting, those of them as shall assemble shall proceed, by a majority of votes, to fill up such vacancy or vacancies from among the persons qualified to vote, as herein before provided; and on every Easter Monday for ever, after the first election as herein before directed, the parishioners entitled to suffrage shall assemble, as herein before prescribed, and they, or such of them as may assemble, shall, by a majority of votes, put out four of the eight vestrymen whom they please, and shall immediately thereupon elect, by ballot, four vestrymen from among the persons qualified to vote, including those whom they have voted out, all or any of whom they may re-elect; and such persons so chosen, with the remaining vestrymen and the rector, shall be the vestry for the ensuing year.

Vestrymen to judge of elections, &c.

V. AND BE IT ENACTED, That the vestrymen of each parish, or a majority of those who shall attend, shall judge of the election of vestrymen, and of the qualification of voters, and of the qualification of the parishioners proposed to be elected as vestrymen.

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Oaths to be taken.

AND BE IT ENACTED, That every perſon choſen a veſtryman ſhall, before he acts as ſuch, d ſubſcribe the oath of ſupport and fidelity required by the conſtitution and form of govern- nleſs ſuch perſon hath before taken ſuch oath, and alſo make and ſubſcribe a declaration of ef in the chriſtian religion, and he ſhall alſo take and ſubſcribe the following oath of office, "I, A. B. do ſolemnly ſwear, that I will faithfully execute the office of a veſtryman of —— , in —— county, without prejudice, favour or affection, according to the beſt of my ſkill and ledge;" which oaths and declarations any juſtice of the peace, or any veſtryman preſent, may ter and take.

Days on which veſtries are to be held.

AND BE IT ENACTED, That the firſt Monday in February, May, Auguſt and November, in ear, ſhall be the days on which a veſtry ſhall be held in every pariſh, at eleven o'clock in the n, at the place at which veſtry elections are directed by this act to be held, without any no- ven thereof, and every veſtry may alſo hold adjourned or ſpecial meetings at ſuch times and as they may agree upon; at any which time or place, any four veſtrymen, together with the if he ſhall attend, if not, any four without him, ſhall be a ſufficient quorum for the tranſac- any buſineſs whatever, which they are authoriſed to do by this act, and whatſoever ſhall be ne by a majority of ſuch quorum, or of the members attending, if more than above directed, valid and obligatory as if done by the whole veſtry; provided always, that due notice of all ed and ſpecial meetings ſhall be given to all the members of the veſtry.

Rector to preſide, &c.

. AND BE IT ENACTED, That the rector of each pariſh for the time being ſhall preſide in the collect the votes, and ſhall, upon an equal diviſion of thoſe preſent, have a vote, except in which he is in any manner particularly intereſted, and he ſhall have, except he may other- ntract with the veſtry, the poſſeſſion, occupation and free uſe of all the glebe-lands, houſes, rents, books and other property, belonging to his pariſh, and be entitled to the benefit there- ng the time he ſhall officiate therein as rector.

Veſtry to have an eſtate in all churches, &c.

AND BE IT ENACTED, That the veſtry of each pariſh for the time being, as truſtees of the ſhall have an eſtate in fee-ſimple in all churches and chapels, and in all glebes, and other and ſhall have a good title and eſtate in all other property heretofore belonging to the church land, or which ſhall hereafter belong to the ſaid church, now called the Proteſtant Epiſcopal , in Maryland; and it ſhall be lawful for ſuch veſtry ſo to manage and direct all ſuch proper- ey may think moſt advantageous to the intereſts of the pariſhioners, and they ſhall alſo have perty in all books, plate and other ornaments belonging to ſaid churches and chapels, or any n.

Penalty on the rector for waſte, &c.

AND BE IT ENACTED, That if any rector ſhall commit any waſte on any glebe-land, or other longing to the veſtry of his pariſh, or if he ſhall do any injury to his parſonage, or to his pa- rary, he ſhall be liable to pay treble damages, to be recovered of him by the veſtry in their te name, in the ſame manner as if he was not one of the veſtry.

Churchwardens to be choſen.

AND BE IT ENACTED, That on every Eaſter Monday, immediately after the election of veſ- , the veſtry ſhall proceed to chooſe from among the perſons qualified to vote, two ſober, diſ- nd pious perſons, to be churchwardens for the enſuing year, and before they act as ſuch, they ke and ſubſcribe the oath of fidelity, and make and ſubſcribe the declaration herein before ed to be taken by veſtrymen, and alſo an oath, that they will faithfully diſcharge the duties urchwarden.

Who ſhall have power to keep the peace, &c.

AND BE IT ENACTED, That every churchwarden ſhall have power to keep the peace, and ſerve order and decency in his reſpective church or chapels; and it ſhall be lawful for any warden to apprehend any perſon guilty of any breach of the peace, or of any diſorderly con- r of making a noiſe in any church or chapel, or in the church or chapel yard, or other enclo- as to diſturb the congregation, and to turn ſuch perſon out of the church, chapel yard, or nclоſure thereto belonging; and it ſhall be the duty of any perſon (who may be called upon) the churchwarden in the before-mentioned duties.

Elections for veſtrymen may be held at any time, &c.

AND BE IT ENACTED, That if, from any cauſe whatever, thoſe perſons qualified to vote in riſh ſhould ſuffer Eaſter Monday to elapſe without any election of veſtrymen, then the ſaid may be held on any other day appointed for the purpoſe, at any time after, although it may y ſubſequent year, of which day notice ſhall be given by the rector (if any) in his church, im- ly after divine ſervice, on two ſucceeding Sundays, and if no rector, by any two veſtrymen,

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or of thoſe perſons who laſt poſſeſſed the powers of veſtrymen, by writing ſet up at the door of church ten days before the day of meeting.

Churchwardens may be choſen, &c.

XIV. AND BE IT ENACTED, If churchwardens ſhould not from any cauſe be choſen by veſtry on the day of the election of veſtrymen, it ſhall and may be lawful to chooſe them at any ſequent meeting of the veſtry, and ſuch elections ſhall be held valid and obligatory.

Veſtry may chooſe miniſters, &c.

XV. AND BE IT ENACTED, That the veſtry of every pariſh ſhall have full power and auth from time to time, to chooſe one or more miniſters or readers of the proteſtant epiſcopal ch (heretofore called the church of England,) to officiate in any church or chapel belonging to pariſh, and to perform the other duties of a miniſter therein, for ſuch time as the ſaid veſtry think proper, and they may agree and contract with ſuch miniſter or miniſters, reader or re for his or their ſalary, and reſpecting the uſe and occupation of the parſonage-houſe, or any or other lands, or other property, if any, belonging to the pariſh, and on ſuch terms and cond as they may think reaſonable and proper, and their choice and contract ſhall be entered among proceedings; and upon the expiration of ſuch contract, the ſaid veſtry may, in their diſcre renew their choice, or make a new contract, but if they do not incline ſo to do, their former c and contract ſhall remain until they declare their deſire to make a new choice or contract.

If only one, to be called rector, &c.

XVI. AND BE IT ENACTED, That if only one miniſter ſhall be choſen for any pariſh, he ſha called the rector thereof, but where two or more miniſters ſhall be choſen of the ſame order i miniſtry, they ſhall be called aſſociated rectors of ſuch pariſh, and ſhall preſide in the veſtry by tion; and in any pariſh in which there ſhall at any time be more than one miniſter regularly a and either of them of ſuperior order in the miniſtry, ſuch ſuperior miniſter ſhall have the ſole of preſiding in the veſtry, and be called the rector thereof, and the other or others ſhall be aſſociated miniſters of ſuch pariſh.

Veſtry may take in ſubſcriptions, &c.

XVII. AND BE IT ENACTED, If the veſtry of any pariſh ſhould think it neceſſary to take i ſcriptions for the maintenance of their miniſter or miniſters, reader or readers, or for payi ſalaries of ſuch other officers as the occaſions of the pariſh may require to be appointed, or fo other pariſh purpoſes, it ſhall and may be lawful for them ſo to do.

And provide a regiſter, &c.

XVIII. AND BE IT ENACTED, That the veſtry of every pariſh ſhall be and they are h obliged to provide a fit perſon as regiſter of their pariſh, whoſe duty it ſhall be to keep true an entries of the proceedings of ſuch veſtry in the execution of their truſt, which regiſter alſo before he acts as ſuch, take and ſubſcribe the oath of fidelity herein before mentioned, (unl ſhall have before taken ſuch oath,) and make and ſubſcribe a declaration of his belief in the chr religion, as alſo take an oath for the due and faithful execution of the duties of his office, adminiſtered as herein before directed.

His duty.

XIX. AND BE IT ENACTED, That it ſhall be the duty of the ſaid regiſter to enter in a provided for the purpoſe, all baptiſms, marriages and funerals, of free perſons in the pariſh b miniſter of the proteſtant epiſcopal church, and which may be made known to him by any of th miniſters or veſtrymen of the pariſh; and it ſhall alſo be the duty of the ſaid regiſter, in the of baptiſms, to inſert the chriſtian names of the perſons baptiſed, the chriſtian and ſurnames o parents, with the dates of the baptiſms and births of the perſons baptiſed, and in the entry of riages and burials to inſert the times of the celebration, and the chriſtian and ſurnames of th ſons married, and the perſons buried; and it ſhall be the duty of the miniſter or miniſters of pariſh, to take care that the ſaid regiſter be made acquainted with all the baptiſms, marriages burials, celebrated by him or them in the pariſh.

Baptiſms, &c. to be communicated, &c.

XX. AND BE IT ENACTED, That if any miniſter of the proteſtant epiſcopal church ſhall brate any baptiſm, marriage or burial, in any pariſh in which he may not be a ſettled miniſter, hereby required to communicate it to the rector, or ſome one of the veſtry, of the pariſh, who communicate it to the regiſter of ſaid pariſh.

Penalty on the miniſter, &c.

XXI. AND BE IT ENACTED, That if any miniſter or veſtryman ſhall fail in the duties reſpectively aſſigned them, or if any regiſter ſhall refuſe or neglect to enter any baptiſm, marri burial, ſo made known to him, the perſon offending ſhall forfeit eight dollars for every fa fence.

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Register to have custody of all baptisms, &c.

I. AND BE IT ENACTED, That the register of every parish shall have the custody of all s of baptisms, marriages and burials, belonging to his parish, and he is hereby obliged to y person or persons reasonably desiring it any such register, or give a certificate of the entry birth, marriage or burial, entered therein, which may be desired of him, and such certificate, he hand of such register, and with the common seal of such vestry annexed thereto, shall be d in evidence in all courts of justice within this state; and for every search which may be d, he shall be entitled to twenty-five cents, and for every certificate as aforesaid, he shall be to twenty-five cents, nor shall he be obliged to make a search, or give a certificate, until he ve been paid the reward before allowed.

Penalty on vestry for neglect, &c.

II. AND BE IT ENACTED, That if any vestry shall neglect or refuse to appoint a register for rish, or to provide him with such good and substantial books as the execution of the duties committed to him may require, the individual vestrymen who shall vote against going into the ment of a person to fill the office of a register, or shall refuse to vote on the question of said ment, or against the provision of good substantial books as aforesaid, shall forfeit and pay the five dollars each for every time he shall offend, or vote as aforesaid, the said fine to be ed before a single magistrate; provided always, that the vestrymen, so offending, may in all lege, before said magistrate, such excuse or excuses as he may think sufficient to relieve him e payment of the fine as aforesaid.

Rector to call special meetings.

V. AND BE IT ENACTED, That whenever special meetings of the vestry shall be neces- e rector shall call them, but if there be no rector, or if he shall be absent, or refuse or to call a meeting, then any two of the vestry, agreeing so to do, may summon a special

Penalty for not attending, &c.

. AND, the better to secure the attendance of members of the vestry, BE IT ENACTED, That yman shall absent himself from any stated meeting, or from special or adjourned meeting, of e was duly notified, without such excuse as the rest of the vestry will allow, under a penalty than two or exceeding eight dollars.

And for refusing to serve, &c.

I. AND BE IT ENACTED, That if any person elected a vestryman, agreeably to this act, ter convenient notice given him by the register of the parish, who is hereby required to give h notice under the penalty of twenty dollars, refuse to serve as a vestryman, according to the ns herein made, without alleging such an excuse as the residue of the vestry will allow, unless have heretofore served two years, or been voted out at a former vestry election, or if any elected a churchwarden, who has not before served in that office within the last three years, ter the same notice, refuse to serve as such, or having been qualified, shall retire from his ithout the consent of the vestry, before the time for which he was elected shall have ex- nless he shall have been disqualified for remaining a churchwarden, the former shall forfeit dollars, and the latter ten dollars.

How fines are to be recovered, &c.

II. AND BE IT ENACTED, That all fines and penalties by this act imposed shall be recover- fore any justice of the peace, and applied to the use of the parish in such manner as the ay direct.

Vestymen incorporated, &c.

III. AND BE IT ENACTED, That the vestrymen of every parish in this state for the time hall be, and they are hereby declared to be, one community, corporation and body politic, , by the name of The Vestry of the parish to which they severally belong, and by the same ey, and their successors, shall and may have perpetual succession, and shall and may, at all ereafter, be persons able and capable in law to purchase, take and hold, to them and their rs, in fee, or for any less estate or estates, any lands, tenements, hereditaments, rents or s, within this state, by the gift, bargain, sale or devise, of any person or persons, bodies nd corporate, capable of making the same, and such lands, tenements or hereditaments, to lease, in such a manner as they may judge most conducive to the interests of their respective , and also to take and receive any sum or sums of money, and any kind of goods and chat- hich may or shall be given, sold or bequeathed, unto them, by any person or persons, bodies or corporate, capable to make a gift, sale or bequest thereof, and to apply the same for the heir respective parishes as herein before directed; provided, that the clear yearly value of te of any vestry, (exclusive of the rents of pews, collections in churches, funeral charges, like,) shall not exceed two thousand dollars.

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No veſtry to ſell their eſtates, &c.

XXIX. AND BE IT ENACTED, That no veſtry ſhall ſell, alien or transfer, any of their e or property belonging to their church or churches, without the conſent of five at leaſt of their (of which number the rector ſhall always be one,) together with the conſent of both the c wardens, and in caſe there be no rector in the pariſh, then it ſhall be neceſſary to obtain the co of the biſhop of the proteſtant epiſcopal church in this ſtate for the time being, previous t ſale, alienation or transfer, of any of the eſtates or property aforeſaid.

Or apply the principal, &c.

XXX. AND BE IT ENACTED, That no veſtry ſhall apply any of the principal of the money a from the ſales of any of the eſtates or property aforeſaid towards any debt or debts contracted their miniſter on account of his official duties.

Not to prevent the veſtry from buying, &c.

XXXI. AND BE IT ENACTED, That nothing herein before contained ſhall be conſtrued t vent the veſtry of any pariſh from buying at any time a lot of land, not exceeding two acres burial-ground, or a ſite for a church or parſonage-houſe, or from ſelling or renting the pews of churches or chapels, provided in ſo doing the ſaid veſtry ſhall not interfere with any exiſting or title in any perſon to any pew or pews.

Veſtry may ſue, &c.

XXXII. AND BE IT ENACTED, That the veſtry of every pariſh, and their ſucceſſors, (b name aforeſaid,) ſhall be for ever hereafter able and capable in law to ſue and be ſued, plead a impleaded, anſwer and be anſwered unto, defend and be defended, in all or any courts of ju and before all or any judges, officers or other perſons whatſoever, in all and ſingular actions, m and demands whatſoever; and that it ſhall and may be lawful for them, and their ſucceſſors, for hereafter, to have a common ſeal for their uſe, and the ſame, at the will and pleaſure of them their ſucceſſors, to change, alter, break and make anew, from time to time, as they ſhall think

Convention may divide pariſhes, &c.

XXXIII. AND BE IT ENACTED, That it ſhall be lawful for the convention of the proteſtan copal church in this ſtate to divide or unite pariſhes, as occaſion may require, and to alter bounds, and to conſtitute new pariſhes; and veſtrymen and churchwardens of ſuch new pa ſhall be choſen as herein before provided, and ſhall have perpetual ſucceſſion, and be incorpo by the name of The Veſtry of ſuch new pariſh, and ſuch veſtry and churchwardens ſhall ha the powers hereby granted in this act to other veſtrymen and churchwardens; provided al that a majority of the members of the proteſtant epiſcopal church, qualified to vote for veſtry reſiding in any pariſh, or part or parts of a pariſh or pariſhes, propoſed to be added to an pariſh or pariſhes, or to be conſtituted into a new pariſh, ſhall conſent thereto.

Acts repealed.

XXXIV. AND BE IT ENACTED, That immediately after the election of veſtrymen on the enſuing Eaſter Monday, as herein before directed, the act, (a) entitled, An act for the eſtabli of ſelect veſtries, and all the ſupplementary acts thereto, ſhall be and hereby are repealed.

(a) March, 1779, ch. 9.

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Paſſed 15th of Jan. 1799.

An ACT for the eſtabliſhment of a new public road in Some county. Lib. JG. No. 3. fol. 58.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of ſundry inhabita Somerſet county, that conſiderable inconvenience is experienced from the want of a public road, to lead from the main road near Samuel Green's fence until it interſects the public leading from Little creek towards the mouth of Rewaſtico, near the plantation of John K therefore,

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That William Ruſſum, James We Horatio Stayton, Arthur Daſhiell, junior, and William Betſworth, be and they are hereby ap ed commiſſioners, or any three or more of them are hereby authoriſed to lay out and open a ſaid, at the expence of the ſubſcribers to the ſaid road, a public road, in the moſt convenient tion, not exceeding thirty feet wide, from or near Samuel Green's fence, in Somerſet county place near the plantation of John Killum; and the ſaid road, when ſo laid out and completed expence of the ſaid ſubſcribers, and after the valuations herein after directed to be made, damages hereby directed to be aſſeſſed, ſhall be paid or ſecured to be paid to the individuals co ed, ſhall be recorded among the records of Somerſet county court, and be thereafter deem taken to be a public road, and ſhall be kept in repair in the ſame manner as other public ro directed to be kept in ſaid county.

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Who may appoint a treasurer, &c.

AND BE IT ENACTED, That the said commissioners may appoint one of their number as trea- who is hereby enjoined and empowered to collect and receive all monies subscribed, or that subscribed, for the purpose of laying out and clearing the said road, and such subscribers are directed to pay their several subscriptions to the treasurer appointed as aforesaid; and if any shall neglect or refuse to pay his subscription money, the said treasurer, or any one of the said ioners in the name of the whole, may and is hereby authorised to sue for, recover and receive e; and the said monies when received, shall be applied by the said commissioners, or any f them, to the purposes of this act.

And ascertain damages, &c.

AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what da- nay be sustained by any person or persons through whose land the said road may pass by open- clearing the same, and the said valuation shall be made before the said commissioners shall to open and clear the same; and in case any proprietor or proprietors, or their guardian or shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and lawful for any justice of the peace for Somerset county, on application by any person in- to issue his warrant, under his hand and seal, directed to any constable of the county, com- him to summon twelve good and lawful men, disinterested as to the said road, to serve as a appear on a day by him the said justice of the peace to be appointed, on the land of the per- ing application as aforesaid, and the said persons summoned as jurors shall respectively repair justice of the peace of the said county, and take the following oath, or affirmation, to wit: B. do swear, or solemnly, sincerely and truly declare and affirm, that I will honestly and lly estimate and value the damage and injury sustained by C. D. by opening a road through nd of the said C. D. in pursuance of an act of assembly;" and shall return the damages by essed to the said justice of the peace, and such return shall be conclusive; and the party or n whose favour such valuation is ascertained by the said commissioners, or damages assessed ry aforesaid, shall be entitled to receive the same from the said commissioners; and the said oners shall pay, or secure to be paid, the amount of the said valuation or damages to the re- parties entitled to receive the same, out of the monies to be raised and collected from the ions to said road, within the space of six months after the ascertainment of such valuation es, and before they shall proceed to affect the lands and tenements of the person or persons d; provided, that the said road shall not go through any houses, gardens, meadows or , unless with the consent of the owner thereof.

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Passed 10th of Jan. 1799.

ACT for the relief of Joseph Forrest, of George-town, Patowck, and Thomas Earle, of Queen-Anne's county. Lib. JG. 3. fol. 60.

A Supplement ch. 79.

Preamble.

EREAS it is represented to this general assembly, by the petition of Joseph Forrest, of eorge-town, and Thomas Earle, of Queen-Anne's county, that by a variety of losses and es in trade as copartners, they have been rendered unable wholly to satisfy the debts for ey are answerable, and that many of their creditors live in Great-Britain, and it will be able for them to obtain the assent to their discharge of two thirds in amount of all their as the agents of their British creditors have been applied to and do not feel themselves l to give their assent, without the knowledge of their principals: And whereas the said rrest and Thomas Earle have prayed that a special act may pass in their favour; therefore,

Chancellor, on application, to direct notice, &c.

IT ENACTED, *by the General Assembly of Maryland*, That upon the application of the said rrest and Thomas Earle to the chancellor, by petition in writing, offering to deliver up all e, in possession, reversion or remainder, for the benefit of their creditors, and annexing d petition a schedule of their property and debts, the said schedule comprehending distinct ate lists of the property and debts belonging to them in their own right, and of all property belonging to their copartnership, and a list of their creditors, so far as they can ascertain on oath, the chancellor shall direct notice of such application to be given and published in ner as he shall think expedient, and appoint a certain day for the creditors of the said Joseph d Thomas Earle to appear in the chancery court to recommend a trustee or trustees on their d on the appearance of the said creditors, or on their neglect to appear on notice as afore- chancellor shall administer to the said Joseph Forrest and Thomas Earle the following oath, We, Joseph Forrest and Thomas Earle, do swear, that we will deliver up, convey and

" transfer

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" transfer to our creditors, in such manner as the chancellor shall direct, all our property t
" have or claim any title to, or interest in, at this time, and all debts, rights, claims and
" which we have, or are in any way entitled to, in possession, reversion or remainder, as wel
" rally as jointly with any other person or persons, and that we have not, directly or indirec
" any time sold, conveyed, lessened or disposed of, for the use or benefit of any person or p
" or intrusted, any part of our money, or other property aforesaid, debts, rights or claims, t
" to defraud our creditors, or any of them, or to secure the same to receive or expect any
" benefit or advantage thereby;" and in case of the neglect of said creditors to appear and
mend a trustee or trustees, the chancellor shall appoint such person or persons to be trustee or t
as he shall think proper.

J. Forrest, &c. on executing a deed, to be discharged, &c.

III. AND BE IT ENACTED, That upon the said Joseph Forrest and Thomas Earle executi
acknowledging a deed to the trustee or trustees to be appointed as aforesaid, conveying all the
perty, real, personal and mixed, and all debts, rights and claims, agreeably to the oath of t
Joseph Forrest and Thomas Earle, and on the delivery of the possession of the said property
said Joseph Forrest and Thomas Earle which they have in their own right, and their books,
and evidences of every kind relating to the said property, and the said trustee or trustees cer
the same, in writing, to the chancellor, the chancellor shall thereupon order that the said
Forrest and Thomas Earle shall be discharged from all debts, contracts, covenants, promi
agreements, due from, or owing or contracted, made or entered into, by them, before the
the said deed, either in copartnership with any person or by themselves; provided, that
charge shall not operate so as to discharge any other person from any debt; and provided al
any property which the said Joseph Forrest and Thomas Earle shall acquire in their own righ
scent, gift, bequest, devise, or in a course of distribution, shall be liable to the payment o
debts.

Trustee to apply the proceeds, &c.

IV. AND BE IT ENACTED, That the trustee or trustees appointed in virtue of this act
the first place, apply the proceeds of the property of the said Joseph Forrest and Thomas Ea
in their own right, which shall come to the hands of such trustee or trustees, to the satisfacti
discharge of liens heretofore created thereon, and after the discharge of such liens, the
amongst their several creditors, in equal proportions to their respective debts; and the intere
or part, of the said Joseph Forrest and Thomas Earle in any property or debt, held by or due
in copartnership, shall be applied, in the first place, to the satisfaction and discharge of such
nership debts.

And give bond, &c.

V. AND BE IT ENACTED, That any trustee or trustees to be appointed in virtue of this act
he or they shall proceed to act as such, shall give bond, with security, to be approved of by th
cellor, for the faithful execution of the trust reposed in him or them, and pursue in all resp
directions of the chancellor in the performance of the said trust, in the same manner as is p
by the fourth, sixth, tenth and thirteenth sections of the act, entitled, An act for the relief
dry insolvent debtors, passed at November session, seventeen hundred and ninety-seven; a
chancellor shall have and exercise, with reference to the said Joseph Forrest and Thomas Ea
and singular the powers and authority vested in him by the said sections with reference to the
named in the said act.

When fraud is alleged, they may be examined, &c.

VI. AND BE IT ENACTED, That if any of the creditors of said Joseph Forrest and Thom
shall, on the application of the said Joseph Forrest and Thomas Earle to the chancellor, o
two years thereafter, allege in writing that the said Joseph Forrest and Thomas Earle hath,
or indirectly, sold, conveyed, lessened, or otherwise disposed of, or purchased in trust for the
or any other person or persons, or intrusted or concealed, any part of their property, debts or
with intent to injure or defraud their creditors, or any of them, or to expect, secure or rec
benefit or advantage therefrom, the chancellor, at the election of such creditor, may either
Joseph Forrest and Thomas Earle on oath, on such allegations, or direct an issue or issues in
mary way, without the form of an action, for trying the truth of the same, and if upon the
of the said Joseph Forrest and Thomas Earle in the trial of the issue or issues, they shall b
guilty of any fraud or deceit of their creditors, they shall for ever be precluded from a
fit of this act; and if the said Joseph Forrest and Thomas Earle shall, at any time th
upon indictment, be convicted of wilfully, falsely and corruptly swearing to any matter
to which they shall swear by virtue of this act, they shall suffer as in case of wilful and
perjury.

AND BE IT ENACTED, That if the ſaid Joſeph Forreſt and Thomas Earle ſhall be arreſted or ned on any proceſs ſued out on any judgment or decree obtained againſt them for any debt, or coſts, due, contracted, owing, or growing due before the paſſing of this act, the court which ſuch proceſs iſſued ſhall and may diſcharge the ſaid Joſeph Forreſt and Thomas Earle ion; and if the ſaid Joſeph Forreſt and Thomas Earle ſhall be ſued, arreſted or impriſoned, meſne proceſs, for the recovery of any debts or damages contracted, owing, or growing due he paſſing of this act, the court before whom ſuch proceſs ſhall be returned ſhall and may diſ- he ſaid Joſeph Forreſt and Thomas Earle out of cuſtody on their common appearance being without any ſpecial bail. CHAP. XXVI. If arreſted, to be diſcharged, &c.

AND BE IT ENACTED, That the ſaid Joſeph Forreſt and Thomas Earle ſhall not be entitled enefit of any of the proviſions of this act, unleſs at the time of preſenting their petition as d they ſhall produce to the chancellor the aſſent of two thirds in value of their creditors who zens of this ſtate, or of the United States, at the time of paſſing this act. Not to be entitled, &c.

CHAP. XXVII.

T for the benefit of Richard Ireland Jones, of Queen-Anne's county. Lib. JG. No. 3. 3. A Private Act. Paſſed 15th of Jan. 1799.

CHAP. XXVIII.

ACT for changing part of the diviſional road between Somerſet d Worceſter counties, and for changing part of a road in Wor- ter county called the Black-foot road. Lib. JG. No. 3. . 64.

HEREAS it is repreſented to this general aſſembly, by the petition of George Parker, of So- merſet county, that he is poſſeſſed of ſundry tracts of land in Somerſet and Worceſter coun- rough which the diviſional road of Somerſet and Worceſter counties, and the Black-foot w run, to the great injury of the ſaid George Parker: And whereas it appears that changing roads will redound to the intereſt of the ſaid George Parker, and promote the convenience ublic; therefore, Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That John Daſhiell, of Jeſſe, William James Weatherly Waller, William Chaille and Levin Handy, of Rhode-Iſland, be and they by appointed commiſſioners, or any three or more of them are hereby authoriſed to change, nd open, at the expence of the ſaid George Parker, two public roads, in the moſt conveni- ſtions, not exceeding thirty feet wide, one of ſaid roads to lead from or near Parker's mills Saliſbury, ſo far as the ſaid George Parker's lands may extend, if neceſſary, and the other oad to lead from or near Parker's mills aforeſaid towards Black-foot, ſo far as the ſaid Par- ds extend, if neceſſary; and the ſaid roads, when laid out and completed at the expence of George Parker aforeſaid, ſhall be recorded among the records of Somerſet and Worceſter ourts, and ſhall be thereafter deemed and taken as public roads for ever, and ſhall be kept in the ſame manner as the preſent public roads are reſpectively kept in repair. Commiſſioners appointed, &c.

ND BE IT ENACTED, That after the public road aforeſaid to lead from or near Parker's ards Saliſbury ſhall be laid out and completed as aforeſaid, it ſhall be taken and deemed, in manner as the old road, the diviſion between Somerſet and Worceſter counties, ſo far as oad extends, for ever thereafter. Road to be deemed the diviſion, &c.

CHAP. XXIX.

for the benefit of Stephen White, and others, of Worceſter county. Lib. JG. No. 3. A Private Act.

CHAP. XXX.

CT to incorporate the baptiſt church in the city of Baltimore. . JG. No. 3. fol. 66.

EREAS application hath been made to this general aſſembly by the baptiſt church in the ty of Baltimore, now under the paſtoral charge of the reverend Lewis Richards, to incor- committee of the ſaid church, with powers adequate to the management of their temporal Preamble.

CHAP. XXX.

Committee, &c. incorporated, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the present committee of th church, viz. David Shield, George Preitman, Alexander M'Kim, William Wilson and Matthi ris, and their successors, to be chosen as herein after is mentioned, together with the minister said church for the time being, shall be and hereby are created and declared to be a body politi corporate, by the name, style and title, of The Committee of the Baptist Church in the C Baltimore, and by the same name shall have perpetual succession, and shall be able to sue or be to implead and be impleaded, in any court of law or equity in this state, or elsewhere, and to and use a common seal, and the same to break, alter or renew, at their pleasure, and also to and establish such by-laws and ordinances as to them shall appear necessary for regulating an naging the temporal concerns of the said church, not repugnant to this act, to the laws of thi or of the United States, and for promoting literature in the said church.

Successors, how to be chosen, &c

III. AND BE IT ENACTED, That the successors of the present committee shall be chosen following manner, viz. The male members of the said church may and shall meet at their m house, or at such other place in the city of Baltimore as may be appointed by the said corpo on the first Monday in May, or any other Monday of the same month, in the year eighteen hu and they may and shall continue to meet in like manner on the first Monday of May, or any Monday of the same month, every year thereafter, of which meetings due notice shall alw given by the president of the said corporation for the time being, on the forenoon of the two Sunday next preceding the day of such meeting, at the place where public worship is usual formed by the said church, and then and there they, or so many of them as may attend, sha *viva voce*, five lay members of the said church as a committee, who shall continue to act as su one year, and until others shall be elected in their room.

How vacancies are to be filled.

IV. AND BE IT ENACTED, That in case of the death, removal or resignation, of any lay m of the said body corporate, the remaining members thereof, or a majority of them, shall ha power and authority, at their next or any subsequent meeting, to elect another person in his p

Lands vested, &c.

V. AND BE IT ENACTED, That all the lands and tenements, with their appertenances, no in trust for the use of the said church or congregation, and all other property of the said ch congregation, shall be and hereby are absolutely and unconditionally vested in the said body rate, and their successors, for ever; and the said corporation, (with the consent of a majority members thereof,) are hereby declared to be capable of bargaining and selling, leasing and ex ing, any part of the said property, or any other property which may hereafter be acquired the said corporation, in as full, ample and effectual a manner, as any moral person or body co may or can do.

Minister to preside, &c.

VI. AND BE IT ENACTED, That at all meetings of the said corporation the minister for th being shall preside, and in case of the absence, removal or death, of the minister, the lay m of the corporation may appoint one of their own body president, *pro tempore*, who, during th sence, or in the case of removal or death until the appointment of another minister, shall ha the privileges and authority of the president.

President to appoint persons, &c.

VII. AND BE IT ENACTED, That the president shall nominate and appoint three persons to judges of each and every election that shall or may be held for electing the lay members of th corporation, and that such nomination and appointment shall be made a reasonable time before such election.

Acts to be signed, &c.

VIII. AND BE IT ENACTED, That all acts or deeds of the said corporation shall be signed president in behalf of the body corporate, and sealed with the corporate seal, and all deeds body corporate, for the conveyance of lands and tenements, which by the laws of the state o be recorded, shall be signed and sealed as aforesaid, and shall also be acknowledged in due f the president as such, in behalf of the corporation; and all acts or deeds of the said body cor so authenticated, shall be valid and effectual in law.

Account to be rendered, &c.

IX. AND BE IT ENACTED, That the present committee of the said church, and each and succeeding committee that shall be chosen in virtue of this act, shall, within a reasonable tim each election for the committee, render to their successors respectively an exact account of monies by them had and received, disbursed and paid away, on account of the corporation, t with a general account of their transactions, and statement of the concerns of the institut shall moreover pay, hand over and deliver up, to their successors respectively, the balance of

maining unexpended in their hands, together with the books of account, of the corporation, notes, bonds, and other evidences of debt thereunto belonging, or in anywiſe appertaining. CHAP. XXX.

ND BE IT ENACTED, That the ſaid corporation ſhall be able and capable hereafter to purchaſe, hold and enjoy, any eſtate, real, perſonal or mixed, not exceeding ſix thouſand dollars. Corporation may purchaſe, &c.

CHAP. XXXI.

ACT for the relief of Philip Edwards, of Baltimore county.

Paſſed 15th of Jan. 1799.

b. JG. No. 3. fol. 69.

HEREAS Philip Edwards, of Baltimore county, has ſtated to this general aſſembly his inability to pay his debts, and has petitioned for an act to releaſe him therefrom upon giving his property to the uſe of his creditors: And whereas the ſaid Philip Edwards, being an in the navy of the United States, is liable, from the military arrangements, to be called this ſtate, which juſtifies a diſtinction of his caſe from others who have petitioned for ſimilar Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That in caſe the ſaid Philip Edwards efore ſome juſtice of the peace for the county where he reſides, make and ſubſcribe the ng oath, to wit: "I, Philip Edwards, do ſwear, or affirm, that I will deliver up, conand transfer, to the uſe of my creditors, all my property, real, perſonal or mixed, (the neceſwearing apparel of myſelf and family, as allowed by my truſtee, only excepted,) that I have aim any title to, or intereſt in, at this time, and all debts, rights and claims, which I have is time, or that I am in any reſpect entitled to, in poſſeſſion, remainder or reverſion; and that e not, directly or indirectly, at any time before, ſold, conveyed, leaſed, diſpoſed of, or ined or concealed, any part of my property of any kind, or any part of my debts, rights or s, thereby wilfully to defraud or deceive my creditors, or any of them, or to ſecure the ſame, receive or expect any profit, benefit or advantage thereby;" and ſhall execute and acknowbefore two juſtices of the ſame county, a deed to his truſtee, appointed in virtue of this act, lf of his creditors, for all his property, debts, rights and claims, agreeably to his ſaid oath, for his creditors, a ſchedule whereof he ſhall inſert in, or annex to, the ſaid deed, that on, and for ever thereafter, the ſaid Philip Edwards ſhall, by virtue of this act, be ac releaſed, and for ever diſcharged, from all debts, promiſes, contracts, agreements and nts, due from, or contracted, made or entered into by him, before the paſſing this act; protha any property acquired by the ſaid Philip Edwards, after the making the ſaid deed, by , or in his own right by deviſe, bequeſt, or in courſe of diſtribution, ſhall be liable for the t of his debts. Oath to be taken, &c.

ND BE IT ENACTED, That the ſheriff of Baltimore county ſhall be and is hereby appointruſtee in behalf of the creditors of the ſaid Philip Edwards; and the ſaid ſheriff, before as ſuch, ſhall take the following oath before ſome juſtice of the peace of ſaid county, to wit: B. do ſwear, that I will faithfully, impartially and honeſtly, according to the beſt of my and knowledge, execute the ſeveral powers and truſts repoſed in me as truſtee for the credif Philip Edwards, without favour, affection, prejudice or malice." Sheriff appointed truſtee, &c.

ND BE IT ENACTED, That if the ſaid Philip Edwards ſhall be arreſted or impriſoned proceſs ſued out on any judgment or decree obtained againſt him for any debt, damages or ontracted, owing, or growing due before the paſſing of this act, the court out of which ſuch iſſued ſhall and may diſcharge the ſaid Philip Edwards on motion; and if the ſaid Philip s ſhall be arreſted or impriſoned on any proceſs for the recovery of any debt, damages or ontracted, owing, or growing due before the paſſing of this act, the court before whom ſuch ſhall be returned ſhall and may diſcharge the ſaid Philip Edwards out of cuſtody on his appearance being entered, without any ſpecial bail; provided, that the diſcharge of the lip Edwards ſhall not acquit any other perſon from ſuch debt, damages or coſts, or any part but that all ſuch perſons ſhall be anſwerable for the ſame in ſuch manner as they were bepaſſing of this act. If arreſted, to be diſcharged, &c.

ND BE IT ENACTED, That if any creditor of the ſaid Philip Edwards ſhall, at any time wo years after he is diſcharged, allege, in writing, to the juſtices of Baltimore county court, ſitting, that he the ſaid Philip Edwards hath, directly or indirectly, ſold, conveyed, leaſed, rwiſe diſpoſed of, or intruſted or concealed, any part of his property of any kind, or any When fraud is alleged he may be examined, &c.

CHAP. XXXI.

part of his debts, rights or claims, thereby wilfully to deceive or defraud his creditors, or any of them, or to ſecure the ſame, or to receive or expect any profit, benefit or advantage thereby, the ſaid court may thereupon examine the ſaid Philip Edwards on interrogatories, on oath, for the diſcovery of his property, or any concealment thereof, and reſpecting his conduct touching the ſame, or the ſaid juſtices may, in their diſcretion, direct an iſſue to be tried in the ſaid court, to determine the truth of any allegation made by the ſaid Philip Edwards; and if the ſaid Philip Edwards ſhall be found guilty of any wilful fraud or deceit of his creditors, he ſhall for ever be precluded from having any benefit of this act; and in caſe the ſaid Philip Edwards ſhall, at any time within ſeven years as aforeſaid, upon any indictment, be convict of wilfully, falſely and corruptly ſwearing to any matter or thing in his oath aforeſaid contained, he ſhall ſuffer as in caſe of wilful and corrupt perjury, and likewiſe be liable to his creditors, and be wholly deprived of any relief or benefit by this act.

CHAP. XXXII.

Paſſed 15th of Jan. 1799. * 179c, ch. 32.

A Further additional ſupplement to an act, * entitled, An act to ſtreighten and amend the ſeveral public roads in ſeveral counties, and for other purpoſes. Lib. JG. No. 3. fol. 72.

Preamble.

WHEREAS under the act of ſeventeen hundred and ninety, to which this is a further additional ſupplement, ſome omiſſions have been made in the returns and adoption of the following roads in Montgomery county, to wit: One leading from George-town to Montgomery court-house and from Montgomery court-houſe by Benjamin Edward's to the mouth of Monocacy, and one other road from Montgomery court-houſe by Middle Brook mills to Frederick county line, by which omiſſions ſaid roads are liable to be ſtopped; therefore,

Roads confirmed.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the above deſcribed roads, as laid, or intended to have been adopted, by the county court of ſaid county, be and the ſame are hereby confirmed, agreeable to the adoption of the ſaid court, as fully and completely as though the ſame had been done agreeable to the directions of the act aforeſaid.

Commiſſioners appointed, &c.

III. AND BE IT ENACTED, That Thomas Howard, Thomas Maccubbin and Benjamin Ray, ſen. be and they are hereby appointed commiſſioners for the purpoſes herein after mentioned, and they or any two of them, may and are hereby empowered to appoint a ſurveyor to ſurvey all ſuch parts of the aforeſaid roads which have not heretofore been ſurveyed, and the plots and courſes of the ſame returned and recorded agreeable to the act to which this is a further additional ſupplement, and in caſe of death, reſignation, diſqualification or refuſal to act, of any of the commiſſioners aforeſaid when ſuch vacancy or vacancies ſhall happen during the ſitting of the levy court, the ſaid court may make other appointments to fill ſuch vacancy or vacancies, and if ſuch vacancy or vacancies ſhall happen during the receſs of the court, then and in that caſe the ſenior juſtice of the peace for the county, with two other juſtices, ſhall and are hereby veſted with power to make ſuch re-appointments, and ſuch re-appointments ſhall be made from time to time, as often as occaſion may require, that each and every of the ſaid roads, or ſuch parts thereof as are neceſſary, ſhall be ſurveyed, plotted, the courſes returned and recorded; and the ſaid commiſſioners, or any two of them, are hereby directed to ſurvey, mark and bound the roads aforeſaid, and make return of the plots and courſes agreeable to the adoption, or intended adoption, of the county court aforeſaid, to the clerk of the county, to be by him recorded; and the ſupervisor for the time being be and he is hereby required under the direction of the levy court, to open all ſuch parts of the aforeſaid roads, (as are not already opened,) the width of ſixty feet, and the ſaid roads, when ſo opened, ſhall be taken for, and they are hereby declared, public roads, and may be repaired as other public roads in ſaid county.

Their allowance.

IV. AND BE IT ENACTED, That the commiſſioners and ſurveyor appointed by and in purſuance of this act, ſhall be allowed, for each day they ſhall be neceſſarily employed on or concerning the ſaid roads, a ſum to be aſcertained by the levy court, not exceeding two dollars and ſixty-ſeven cents.

CHAP. XXXIII.

An ACT for the eſtabliſhment of a ſchool in Caroline county. Lib. JG. No. 3. fol. 73.

Preamble.

WHEREAS the happineſs and proſperity of every community depend much on the proper education of youth, and it being the intereſt and duty of this ſtate to aſſiſt with legiſlative countenance every attempt to diſſeminate and promote the growth of uſeful knowledge, and it alſo

CHAP. XXXIII.

g that a conſiderable ſum of money has been ſubſcribed and already expended in the erection dowment of a ſchool in the county aforeſaid, which, if countenanced by the legiſlature, may ly become an uſeful inſtitution; therefore,

A ſchool erected, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That there be erected, and hereby is d and eſtabliſhed in Caroline county aforeſaid, a ſchool for the education of youth in the learn- foreign languages, the uſeful arts, ſciences and literature, the ſtyle, name and title of which hool, and the conſtitution thereof, ſhall be, and are hereby declared to be, as is herein after ned and defined.

To be under the direction of truſtees, &c.

AND BE IT ENACTED, That the ſaid ſchool ſhall be under the direction and management of is Sellers, William Smith, Samuel Barrow, Henry Downes, Henry Nichols, the third, Wil- ichardſon and George Martin, truſtees, which ſaid truſtees, and their ſucceſſors, to be elected ein after mentioned, ſhall for ever hereafter be, and they are hereby erected, eſtabliſhed and ed to be, one body politic and corporate, with perpetual ſucceſſion, in deed and in law, to all s and purpoſes whatſoever, by the name, ſtyle and title, of The Truſtees of Hillſborough , in Caroline county, by which name and title the ſaid truſtees, and their ſucceſſors, ſhall be tent and capable at law and in equity to take to themſelves, and their ſucceſſors, for the ſaid , any eſtate in lands, tenements, hereditaments, goods, chattels, monies or other effects, by ft, grant, bargain, ſale or bequeſt, of any perſon or perſons whatſoever, provided the ſame exceed in the whole the yearly value of two thouſand dollars, and the ſaid lands, tenements, taments, goods, chattels, monies and other effects, to grant, bargain, ſell, demiſe, and place intereſt, or otherwiſe diſpoſe of, for the uſe of ſaid ſchool, in ſuch manner as to them, or at majority of them, ſhall ſeem moſt beneficial to the inſtitution, and to receive the rents, pro- d iſſues ariſing therefrom, and to apply the ſame to the proper uſe and ſupport of ſaid ſchool, the ſame name to ſue and be ſued, commence, proſecute and defend, implead and be implead- any court of law or equity, and in all manner of ſuits and actions whatſoever, and generally, d in the ſame name, to do and tranſact all and every the buſineſs concerning the premiſes, or ſhall be incidentally neceſſary thereto, as fully and effectually as any natural perſon or body or corporate within this ſtate have power to manage their own concerns.

Who ſhall cauſe a ſeal to be made, &c.

AND BE IT ENACTED, That the truſtees of the ſaid ſchool ſhall cauſe to be made for their common ſeal, with ſuch devices and inſcriptions thereon as to them ſhall ſeem proper, under all acts relating to ſaid corporation ſhall be authenticated, and ſuch ſeal at their pleaſure to nd deviſe anew.

And chooſe a preſident, &c.

AND BE IT ENACTED, That the ſaid Francis Sellers, William Smith, Samuel Barrow, Henry s, Henry Nichols, the third, William Richardſon and George Martin, truſtees, and their ors, or a majority of them, ſhall, on their firſt meeting, and at all times thereafter when neceſ- hooſe, from among their number, a preſident, who, with the reſt of the ſaid truſtees, ſhall be nd competent to the tranſaction of all buſineſs relative to the ſaid inſtitution, and they ſhall t ſuch times and places in Caroline county as to them ſhall ſeem expedient, for the purpoſes ulating the concerns of ſaid ſchool, but no tranſaction ſhall be valid unleſs the ſame ſhall be t an adjourned meeting, or unleſs the preſident of the ſaid truſtees, or in caſe of his death named on the liſt, ſhall have called them together by advertiſement ſet up at the ſchool-houſe ree weeks antecedent to the time of ſuch meeting.

Preſident ſhall not have a vote, &c.

AND BE IT ENACTED, That the preſident of the ſaid truſtees ſhall in no caſe whatever have except it ſhall be to decide a queſtion or election where the ſaid truſtees ſhall be equally in opinion.

How vacancies are to be filled.

AND BE IT ENACTED, That in caſe of a vacancy happening among the ſaid truſtees by death, tion, or removal from the county, the ſaid truſtees ſhall, as ſoon thereafter as ſhall ſeem pro- oceed to fill up ſuch vacancy, and the perſon having the greateſt number of votes among the aſſembled for the purpoſe ſhall be declared to be duly elected.

Conſtitution to remain, &c.

AND BE IT ENACTED, That the conſtitution of ſaid ſchool as herein and hereby eſtabliſhed lared, ſhall be and remain for ever the inviolable conſtitution of ſaid ſchool, and the ſame t be annulled, abridged or altered, in any manner, except by an act of the legiſlature of this

IX. AND,

CHAP. XXXIII.

IX. AND, whereas by deed, bearing date on or about the twenty-third day of Auguſt, ſeven hundred and ninety-ſeven, and enrolled among the records of Caroline county, it appears, that certain John Hardcaſtle, junior, of Talbot county, did make a donation to Francis Sellers, William Smith, Valentine Green, Henry Nichols, the third, and Samuel Barrow, as truſtees of Hillſborough ſchool, of all that lot of ground ſituate in the village of Hillſborough, being part of a tract of land called Hackett's Garden, for the humane purpoſe of erecting thereon the ſchool-houſe herein before mentioned, and it being juſt and right, and conſiſtent with the deſire of the ſaid truſtees, that the ſaid lot of ground ſhould be veſted in the truſtees, appointed under this act; therefore, BE IT ENACTED, That the title to the ſaid lot of ground, as ſet forth and defined in ſaid deed, be and is hereby veſted in the truſtees before mentioned, as completely, to all intents and purpoſes, as if the ſaid deed had been made ſubſequent to the paſſage of this act.

Title veſted, &c.

CHAP. XXXIV.

A Supplement to the act * for the eſtabliſhment and regulation of the courts in the ſeveral counties of this ſtate. Lib. JG. No. 3. fol.

Paſſed 15th of Jan 1799.
* 1794, ch. 53.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the governor and council be authorized and required, annually, to appoint and commiſſion, for each county in this ſtate, ſeven of the moſt diſcreet and beſt qualified perſons of the ſaid county, from the liſt of thoſe annually commended as juſtices of the peace, who ſhall be ſtyled in the commiſſion, Juſtices of the Levy Court of the county, and who ſhall be diſperſed as equally as may be through the county; and that in caſe any vacancy ſhall happen in any of the ſaid courts by refuſal to act, death, removal out of the county, reſignation, or diſqualification, the governor and council be authoriſed and required, from time to time, to ſupply ſuch vacancy.

Seven perſons to be appointed for each county, &c.

II. AND BE IT ENACTED, That the governor and council ſhall appoint eleven juſtices of the peace as juſtices of the levy court for Baltimore county, four of whom ſhall be reſident in the city of Baltimore, and the remaining ſeven reſident in the county, any thing in this act to the contrary notwithſtanding.

And eleven for Baltimore, &c.

III. AND BE IT ENACTED, That the juſtices of the levy courts aforeſaid, or a majority of them, ſhall be and are hereby inveſted with all powers which the juſtices of the peace of ſaid counties have had at their reſpective meetings, as levy courts of their ſaid counties.

Their powers.

IV. AND BE IT ENACTED, That no member of the general aſſembly, or commiſſioner of the city, ſhall be appointed under this act.

This ſection is repealed by chapter 70.

Who ſhall not be appointed.

V. AND BE IT ENACTED, That each of the juſtices of the levy courts aforeſaid ſhall have and receive, as a compenſation for his ſervices, the ſum of two dollars, and no more, for every day he ſhall attend the duty of his office, the ſaid allowance to be aſſeſſed and levied as other county charges.

Compenſation allowed.

VI. AND BE IT ENACTED, That no juſtice of the peace of any of the ſeveral counties of this ſtate, other than thoſe juſtices appointed and commiſſioned by virtue of this act, ſhall have or exerciſe any of the powers given to the juſtices of the levy courts, to be appointed and commiſſioned by virtue of this act, any law to the contrary notwithſtanding.

Not to exerciſe certain powers.

VII. This act to continue and be in force until the twentieth day of October, one thouſand ſeven hundred and one, and until the end of the next ſeſſion of aſſembly that ſhall happen thereafter.

Duration.

CHAP. XXXV.

An ACT to authoriſe and empower the levy court of Harford county, at their diſcretion, to levy a ſum of money for the purpoſe therein mentioned. Lib. JG. No. 3. fol. 78.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Harford county, and they are hereby authoriſed and empowered, at their diſcretion, to levy a ſum of money not exceeding ſeven hundred and fifty dollars, for the uſe of Gilbert Jones, as a further compenſation for the building and completing the poor-houſe in ſaid county, to be collected, when levied, with other county charges, and to be paid to the ſaid Gilbert Jones, according to the order of ſaid court.

Juſtices to levy money, &c.

CH

CHAP. XXXVI.

Passed 15th of Jan. 1799. * 1797, ch. 28.

pplement to the act, * entitled, An act to eſtabliſh and regulate market at Bridge-town, in Kent county, and for other purpoſes erein mentioned. Lib. JG. No. 3. fol. 78.

Notice to be given of ſwine ſeized, &c.

T ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of March xt, if any ſwine ſhall be ſeized and impounded by virtue of the act to which this is a ſupple- t ſhall and may be lawful, until the ſaid market-houſe ſhall be finiſhed, to give notice thereof one of the public houſes in the ſaid town, or Sand-town, in Queen-Anne's county, for five ceſſively, which notice ſhall be of the ſame effect and validity as if the ſame had been given manner preſcribed by the ſaid act to which this is a ſupplement.

Privilege extended.

ND BE IT ENACTED, That the privilege of voting for commiſſioners, given and granted by to which this is a ſupplement to the inhabitants of Bridge-town, in Kent county, ſhall be, hereby declared to be, extended to the inhabitants of Sand-town, in Queen-Anne's county.

CHAP. XXXVII.

CT for building a new gaol in Dorcheſter county, and for other rpoſes therein mentioned. Lib. JG. No. 3. fol. 79.

Preamble.

HEREAS by the petition of ſundry inhabitants of Dorcheſter county it is repreſented to this general aſſembly, that there is no gaol in Dorcheſter county ſufficient for the confinement ors or felons, which is very injurious to the peace and ſecurity of the ſaid county; and it ng alſo that there are conſiderable ſums of money due ſaid county for property ſold for the the ſame,

Commiſſioners to contract, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That Moſes Lecompte, James Steele, Giſt, Levin Woolford and Thomas Ennalls, or the major part of them, ſhall contract for ls, and agree with workmen, to build and finiſh the ſaid gaol, which ſhall be erected in the Cambridge, and to plan and ſuperintend the ſaid building until finiſhed, which, when com- ſhall, by the ſaid commiſſioners, be put into the cuſtody and poſſeſſion of the ſheriff of Dor- county for the time being, and ſo ſhall remain and continue in the cuſtody and poſſeſſion of eriff, and his ſucceſſors, as a public gaol for Dorcheſter county.

Money raiſed to be paid to them, &c. * Chapter 20.

ND BE IT ENACTED, That the ſum or ſums of money raiſed on the ſales of property be- to ſaid county, under an act of aſſembly paſſed at November ſeſſion, one thouſand ſeven and ninety-ſeven, * entitled, An act to authoriſe and empower the levy court of Dorcheſter to aſſeſs and levy a ſum of money for the purpoſe therein mentioned, ſhall be, and the ſame by directed to be, paid to the commiſſioners, or a majority of them, who are authoriſed to and apply the ſame to the erecting and building of a gaol in ſaid county.

Juſtices to levy money, &c.

ND BE IT ENACTED, That the juſtices of the levy court for Dorcheſter county, at the time g their next county levy, be and they are hereby authoriſed and directed to impoſe on the e property of the ſaid county a ſum not exceeding ſixteen hundred dollars, together with an ce to the collector of ſix *per cent.* for collection of the ſame, which ſum, when collected, the ſaid ſheriff be paid to the commiſſioners aforeſaid, or the major part of them, to be by plied in the erecting of ſaid gaol.

To be paid to commiſſioners.

ND BE IT ENACTED, That the ſheriff, or any other perſon appointed to collect the ſaid ſum y for the purpoſe aforeſaid, ſhall pay the ſame to the ſaid commiſſioners, or the order of the rt of them, at or before the time limitted by law for the payment of the county charge in ſeventeen hundred and ninety-nine.

If not paid ſuit to be brought, &c.

ND BE IT ENACTED, That if the collector or ſheriff, as the caſe may be, ſhould not pay ſum of money to the commiſſioners, or the order of a major part of them, on the day above ed, that it ſhall be the duty of the ſaid commiſſioners, or a majority of them, to order a the ſaid ſheriff's or collector's hond, as the caſe may be, to be filed in the clerk's office of t of Dorcheſter county, and thereupon a common *capias ad reſpondendum* ſhall iſſue, and judge- trial be had at the firſt court to which the *capias* is returnable, without any imparlance y.

VII. AND

CHAP. XXXVII. Old gaol to be ſold, &c.

VII. AND BE IT ENACTED, That the commiſſioners, or a majority of them, be and the hereby empowered to diſpoſe of the old gaol of the ſaid county, with the lot of ground on the ſame at preſent ſtands, or the ſaid commiſſioners, or a majority of them, may ſell the gaol ſeparately from the ſaid lot, or apply and uſe the materials of the old gaol towards building the gaol, at their diſcretion, the ſaid lot of ground to be ſold at public auction, in ſuch manner form, and at ſuch time and times, as the ſaid commiſſioners may think proper.

Account to be rendered.

VIII. AND BE IT ENACTED, That the ſaid commiſſioners, or a majority of them, ſhall ren full and fair account to the levy court of ſaid county of the receipts and expenditures of all which ſhall be by them received and expended in virtue of this act.

How vacancies are to be filled.

IX. AND BE IT ENACTED, That if any of the ſaid commiſſioners ſhall die, remove out county, or refuſe to act, the reſidue, or a majority of them, ſhall immediately thereafter proc nominate and appoint another to fill the vacancy, whoſe acts as ſuch ſhall be as valid and effe if he had been originally named in this law.

CHAP. XXXVIII.

Paſſed 15th of Jan. 1799.

An ACT relating to the public roads in Somerſet county. Lib. No. 3. fol. 81.

A Supplement 1799, ch. 5.

Preamble.

WHEREAS the preſent laws relative to the public roads of Somerſet county are at p complex, and in part inadequate to the purpoſes for which they were intended; and neceſſary that the law ſhould be rendered plain, therefore,

Juſtices to meet, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the peace f county aforeſaid, or a majority of them, (a) be and they are hereby authoriſed and required t together on the firſt Monday of April next, and on the ſame day in every year thereafter, court-houſe in the ſaid county, and when ſo met together, the ſaid juſtices, or a majority of ſhall be and they are hereby authoriſed and required to deſcribe, aſcertain, and diſtinctly reco well bound book to be provided by them for that purpoſe, the ſeveral and reſpective public ro Somerſet county, and to nominate and appoint capable and proper perſons as overſeers of the ſ and reſpective public roads aforeſaid, according to the number and diviſions of the ſaid ro the ſame ſhall be aſcertained upon their records; provided nevertheleſs, that the ſaid roads ſh ſo apportioned, divided and deſcribed, as not to require a greater number of overſeers than in any one hundred of the ſaid county; and that the ſaid juſtices, or a majority of them, adjourn from day to day until the ſaid roads ſhall be duly aſcertained, and overſeers appoin aforeſaid.

(a) By 1799, ch. 5, any ſeven are empowered to act.

Clerk to attend the juſtices, &c.

III. AND BE IT ENACTED, That the clerk of the court of ſaid county ſhall attend the juſtic the peace, at their ſaid meetings, and ſhall make fair entries and records of their proceedin virtue of this act, and ſhall, within the ſpace of ten days after the appointment of overſee aforeſaid, iſſue warrants to the ſaid overſeers, under his hand, and the ſeal of his office, noti the ſaid perſons of their appointments reſpectively, as overſeers of the ſaid roads; and the ſaid ſhall, within the time aforeſaid, deliver the ſaid warrants to the ſheriff of Somerſet county afore and ſhall take the receipt of the ſheriff for the ſame; and the ſaid ſheriff ſhall be and he is he authoriſed and required, within the ſpace of twenty days after receiving the ſaid warrants, to de the ſame to the reſpective perſons appointed overſeers as aforeſaid, and to take their ſeveral re for the ſame; and if any of the ſaid overſeers ſhall refuſe to receive their reſpective warrants ſaid ſheriff ſhall leave the ſame at their reſpective places of abode, and certify the juſtices o peace thereof; and if the clerk or ſheriff of the ſaid county ſhall neglect or refuſe to execute perform the reſpective duties herein before required, within the reſpective periods limitted as ſaid, the ſaid clerk or ſheriff, ſo neglecting or refuſing, ſhall forfeit and pay a ſum not exce thirty dollars for each offence.

Penalty on overſeers for refuſing to ſerve, &c.

IV. AND BE IT ENACTED, That each and every perſon, ſo appointed overſeer as aforeſaid, ſhall neglect or refuſe to accept of his appointment, after receiving his warrant as aforeſaid, forfeit and pay a ſum not exceeding ten dollars; provided nevertheleſs, that no member of the lature, magiſtrate, clergyman, ſchoolmaſter, practiſing attorney, coroner, ſheriff, deputy- conſtable, phyſician, or commiſſioner of the tax, ſhall be liable to ſerve as overſeers of the ſaid

his or their conſent; and provided alſo, that no perſon ſhall be compellable to act as overſeer oad more than one year in every three years, without his conſent. CHAP. XXXVIII.

D BE IT ENACTED, That it ſhall be the duty of the ſaid overſeers to keep all the public the ſaid county well and ſufficiently cleared and grubbed, fit for travelling, twenty feet he leaſt, and to make and keep good and ſubſtantial bridges over all the heads of rivers, ranches and ſwamps, where the ſame ſhall be neceſſary, for the convenient and eaſy paſſage llers, with their waggons, carts, carriages, horſes and cattle, and to remove all nuiſances ay obſtruct or annoy their paſſage, and well and ſufficiently to cauſeway all and ſingular ſuch and upon the ſaid roads as ſhall require the ſame. Overſeers to keep the roads cleared, &c.

ROVIDED ALWAYS, That nothing in this act ſhall be conſidered to make it the duty of over- the roads aforeſaid to make or repair any bridge or bridges above fifteen feet in length, but l continue to be built and repaired in the ſame manner as at preſent. Proviſo.

AND BE IT ENACTED, That if any of the ſaid overſeers ſhall not well and ſufficiently clear, end and repair, the ſaid ſeveral and reſpective roads committed to their charge, within a le time after the ſame ſhall be out of repair, or ſhall not make and keep in repair good and al bridges over the heads of rivers, creeks, branches or ſwamps, where the ſame ſhall be as aforeſaid, or ſhall not remove all nuiſances from the ſaid roads, or ſhall not well and ly cauſeway all and ſingular ſuch places in and upon the ſaid roads as ſhall require the ſame, ermit or ſuffer any fallen trees, or other obſtruction, to remain in or acroſs any of the ſaid ads for the ſpace of two days after notice thereof, or ſhall neglect to fell, or cauſe to be d removed, all decayed or dead trees on either ſide of the ſaid public roads, whoſe limbs or hem hang over the ſame, and may by their falling injure travellers, or ſhall not lop and cut mbs or branches of trees hanging or projecting over the ſaid roads, within fifteen feet above ce thereof, or ſhall in any other manner fail or neglect to perform the duties of an overſeer id roads, according to the directions of this act, every ſuch overſeer, ſo failing or neglect- l forfeit and pay a ſum not exceeding five dollars for every offence, except in the time of rveſt. Penalty for neglect, &c.

AND BE IT ENACTED, That it ſhall and may be lawful for the ſeveral and reſpective over- the ſaid roads, and they are hereby authoriſed and empowered, as often as need ſhall re- dig, take and remove, any ſtones, gravel or earth, which may be found on any land ad- he roads for which the ſame may be neceſſary, and to employ the ſame in the repairing of roads; and for the making or repairing of bridges over the heads of rivers, creeks, , ſwamps, or other low and miry places, through and over which the ſaid roads may paſs, to n, or cauſe to be cut down, any tree or trees growing on any of the next adjacent lands to es where bridges or cauſeways may be neceſſary as aforeſaid, and the ſame trees to maul and ay from off ſuch lands, and to apply the ſame to the making or repairing of the ſaid bridges ways; provided always, that no encloſures ſhall be laid open or entered into to obtain the aterials aforeſaid, or any of them, without the conſent of the owner or owners thereof. They may dig and remove ſtones, &c.

ND BE IT ENACTED, That due compenſation be made or ſecured to him or them by the or the ſeveral materials aforeſaid, according to the full value thereof, in ſuch manner as es of the levy court ſhall direct and appoint. Compenſation to be made, &c.

D BE IT ENACTED, That the ſaid overſeers ſhall have power, and they are hereby autho- required, to call for all and ſingular the able bodied free male inhabitants of their re- imits above the age of twenty-one years, and under the age of fifty years, and upon all and he able bodied male ſervants and ſlaves reſiding therein above the age of ſixteen years, and e age of fifty years, to labour and aſſiſt in clearing, amending, improving and repairing, al and reſpective roads aforeſaid, and to require ſuch and ſo many of the ſaid perſons as from time to time deem neceſſary, to aſſemble at ſuch place within their reſpective limits, d overſeers ſhall ſeverally appoint, with ſufficient implements, and thereupon to proceed in tion of ſuch work upon the ſaid roads, for the improvement and repair thereof, as the re- overſeers ſhall order and direct; and the ſaid overſeers ſhall alſo have power to hire and arts and teams for the carrying and removing all ſuch ſtones, dirt, gravel and timber, as eemed requiſite for repairing and completing the ſaid roads and bridges, and the expence of s and teams ſhall be levied upon the county. Overſeers may call on all free male inhabitants, &c.

CHAP. XXXVIII. Take a list of names, &c.

XI. AND BE IT ENACTED, That within one month after the receipt of their respective warr the several overseers aforesaid, under the directions of the said justices, shall take down a prop of the names of all and singular the able bodied free male inhabitants residing therein above t of twenty-one years, and under the age of fifty years, and of all the able bodied male servan slaves above the age of sixteen years, and under the age of fifty years; and the said overseers justly and impartially call for and require the labour of all and singular the persons aforesaid, nately, and in such convenient numbers and classes as to place the burthen of their service upon all; provided nevertheless, that the labour of the said persons shall not be called forth purposes of this act during the season of wheat harvest, nor in such manner as to take more half the number of persons aforesaid belonging to one family at the same time.

Summon the class arranged, &c.

XII. AND BE IT ENACTED, That as often as the said overseers shall judge it necessary to cal the said inhabitants for their labour in and upon the said roads, they shall summon, or cause summoned, the number and class which they shall have previously arranged, having had reg the quantity and quality of work necessary to be done upon the said roads, giving each free liable to work upon the same, and the master, mistress or overseer of each servant or slave afor two days notice at the least, of the time and place appointed for their labour, except in such e dinary cases as may require a shorter notice, and every free person liable to work upon the r summoned shall be obliged to attend in person, or to provide a sufficient substitute; and if any being so summoned, shall neglect or refuse to attend, or to provide a sufficient substitute, he sh feit and pay the sum of one dollar for each offence; and if any person shall attend, and not p the reasonable labour required of him by the overseer of the road, according to his ability, h be adjudged a defaulter, and shall incur the same penalty as if he had neglected to attend; case the master, mistress or overseer, of any servant or slave, upon being notified as aforesaid refuse or neglect to send such servant or slave, or if such servant or slave, after being sent neglect to perform his reasonable labour as aforesaid, such master, mistress or overseer, shall and pay the sum of one dollar (a) for every servant or slave so refused or neglected to be s when sent refusing to work as aforesaid.

(a) By 1799, ch. 5, it is declared the duty of the overseers to compel such servants or slaves to labour, and that the &c. shall not be subject to the said fines.

And keep a list of all defaulters, &c.

XIII. AND BE IT ENACTED, That it shall be the duty of the said overseers to keep a true an per list of all and every person or defaulter, who, being summoned as aforesaid, shall neglect fuse to attend at the times and places appointed as aforesaid, or if attending, shall not perfo reasonable labour, and of every master, mistress or overseer of servants and slaves, who shall the penalty aforesaid; and the said overseers of roads shall, once in every six months, cal each and every of the said persons liable to a fine or fines, and demand the payment of all a gular the sums of money by them so forfeited, and on refusal or neglect to pay the same, t overseers shall proceed to recover the same before a single magistrate, by due course of law; a said overseers shall annually render their respective accounts of all fines and forfeitures receiv them respectively in virtue of this act to the justices of the levy court, upon oath, or affirmation pay the amount thereof in such manner as the said justices shall order and appoint.

How vacancies are to be filled.

XIV. AND BE IT ENACTED, That if any of the overseers so to be appointed shall refuse t remove, become disqualified, or die, it shall and may be lawful for any two of the neighbourin tices of the peace to supply every vacancy so happening, by the appointment of another perso they shall certify every such appointment, under their hands, to the clerk of the county, who record the same, and within ten days thereafter shall issue a warrant to the person so appointed deliver the same to the sheriff, to be served upon the party as herein before directed.

Overseer's allowance.

XV. AND BE IT ENACTED, That every overseer so to be appointed by virtue of this act respectively be allowed a sum, not exceeding ten dollars by the year, for the performance of t veral duties required of them by this act, which allowance shall be paid to them by the just the levy court out of the fines and forfeitures imposed and levied by this act, and if found to sufficient for this purpose at the expiration of every year, the deficiency shall be assessed and upon the county in the same manner as other public charges.

Justice may issue his warrant in certain cases, &c.

XVI. AND BE IT ENACTED, That any of the justices of the peace of the said county, who his own view, or on the information, oath or affirmation, of one or more credible witnesses, discover or be satisfied that any bridge, road or causeway, is out of repair, from the neglect of of the overseer within whose limits the same shall be, except in time of wheat harvest, shall thorised to issue his warrant, in the name of the state, against such overseer, directed to the

the hundred, and returnable before himself, or some other justice of the peace, who shall l to give judgment according to the merits of the case, and if judgment shall be rendered him for the fine or forfeiture imposed by this act, and if he shall not pay the same, the said of the peace may thereupon issue process of execution for the recovery thereof, and the same accounted for and paid to the order of the levy court; provided nevertheless, that nothing contained shall prevent any of the said overseers offending against the provisions of this act eing presented by the grand jury for any neglect of duty not before punished by any of the of the peace as aforesaid.

Justices to receive fines, &c.

I. AND BE IT ENACTED, That the justices of the peace respectively shall be authorised and ered to receive any fine or fines for which they may respectively render judgment against any r of the road in said county, and shall account with and pay over to the levy court annually nies which they may have respectively received in virtue of this act, under the penalty of treble the amount thereof in case of failure or neglect.

On application, road may be turned, &c.

II. AND, whereas it may be proper and necessary to vest a competent power in the justices of y court to turn, alter, streighten, extend or lay out, roads in the county aforesaid, where the tors of the lands through which the roads intended to be so turned, altered, streightened, ex- or laid out, may pass, are willing and capable of consenting to applications of this nature; re, BE IT ENACTED, That upon the application in writing from all the proprietors of the hrough which any public road or roads may pass, or be prayed to pass, petitioning for the , altering, streightening, extending or laying out, a public road or roads, it shall and may be for the justices of the said levy court, upon being satisfied that the granting of such petition of public convenience, and they are hereby authorised and empowered, to direct the sur- of the said county to lay out such road, agreeably to the prayer of such petition, or in such anner as they shall think most expedient, not exceeding thirty feet in breadth, without the t of the said proprietors, and to make return of such location with all convenient speed; er such road shall be surveyed and laid out agreeably to the intentions of this act, the said hall direct the application for such road, and the order and proceedings thereupon, and the of the surveyor, to be enrolled among their records, and thereupon and thereafter such road deemed and considered to be a public road, and shall be kept up and repaired as other public n the said county; provided nevertheless, that no old road, so to be affected by this act, shall ped up until the new road shall be viewed, examined and received, by two justices of the to be appointed by the said court; and provided also, that such new road shall be laid out, nd completed, at the proper expence of the parties applying for the same; and provided , that no such application shall affect the lands of infants, persons *non compotes mentis*, or beyond the limits of this state, until the said disabilities shall be removed.

Penalty on persons altering, &c. any road.

. AND BE IT ENACTED, That if any person or persons shall alter or change, or in any man- truct, any of the said roads, or any part or parts thereof, or cut down, destroy or injure, the bridges, causeways, boundaries, marks or directions therein or thereon, without the of the justices of the levy court obtained as aforesaid, every such person or persons, being convicted in the county court, shall forfeit and pay a fine, in the discretion of the court, not ng the sum of fifty dollars, according to the nature of the offence.

Justices to levy money, &c.

AND BE IT ENACTED, That the justices of the levy court of Somerset county shall be and e hereby authorised and directed to assess and levy on the assessable property of said county y, at their levy court, such sum or sums of money, not exceeding five hundred dollars, for rposes of repairing the causeway, commonly known by the name of Vienna Causeway, and arf adjoining the same, the causeway on the south side of Wiccomico river, at the lower and the wharfs at said ferry, on each side thereof, and the causeways and wharfs at the upper n Wiccomico river aforesaid, on each side thereof, and the causeway on the north side of oke river, at Stephens's ferry.

No person liable, &c.

. AND BE IT ENACTED, That no person in said county shall be liable to the payment of any not working upon, or keeping in repair, the said causeways and wharfs, except as herein entioned.

Court to contract, &c.

I. AND BE IT ENACTED, That it shall be the duty of the levy court of said county to con- ith fit and proper persons annually for repairing the said causeways and wharfs, and keeping good order.

CHAP. XXXVIII.

Persons contracting to give bond, &c.

XXIII. AND BE IT ENACTED, That each person with whom the levy court aforesaid shall contract for the repairing and keeping in good order the said causeways and wharfs, or any part thereof, shall give bond to the state of Maryland, with such security as shall be approved of by the said court, in such sum or penalty as the said justices shall require, not exceeding eight hundred dollars, conditioned for the faithful performance of the terms of the contract.

Penalty for failing to comply, &c.

XXIV. AND BE IT ENACTED, That if any of the persons with whom the levy court aforesaid may contract for the repairing the said causeways and wharfs, shall not amend the same agreeable to the terms of each respective contract, within a reasonable time after the same shall be out of repair, or in any manner fail to perform or comply with the conditions of each respective contract aforesaid, the person thus failing shall forfeit and pay a sum not exceeding twenty dollars for each neglect or offence, to be recovered before any justice of the peace, and applied towards amending the causeways and wharfs aforesaid.

Justices to call on the collector, &c.

XXV. AND BE IT ENACTED, That the justices of the levy court aforesaid may and shall call upon the collector or collectors for all monies levied and assessed for the use of repairing the causeways and wharfs.

Top of dams to be made twelve feet wide, &c.

XXVI. AND BE IT ENACTED, That where any person or persons have built, or shall build, in Somerset county, a mill or mills on any branch or run where any public or main road crosses, shall cross, and have erected, or shall erect, any dam for such mill or mills, such person or persons, or the owner, possessor or occupier, of such mill or mills, shall and they are hereby obliged to make the top of the said dam twelve feet wide at the least, and make good and substantial bridges over the waste and race of the said mills and dams, and the same keep in good repair; and where any mill hereafter to be erected shall obstruct any public road, and it shall be thought convenient by the justices of the levy court of said county where such mill is so erected, that the said public road pass below the dam of the said mill, or where such public road now passes below the dam of such mill or mills, that then and in every such case the owner or owners, possessor or occupier of such mill or mills, shall and they are hereby required to raise and make a good and sufficient road ways across the branch or run on which the said mill is built, twelve feet wide at the least, and make a good and substantial bridge over the tail of the said mill, and the same keep in good repair; and if the owner or owners, possessor or occupier, of any such mill or mills, shall refuse or neglect to do what is by this act required, and shall be thereof legally convicted, he, she or they, shall forfeit and pay a sum not exceeding thirty dollars for each neglect or offence; provided, that such person or persons, owner or owners, possessor or occupier, of such mill or mills, shall not be obliged to work upon, or send any of their labourers or hands who shall reside in the precinct of such public road to work on, any part of such road, except such milldam, causeway, race and waste, as aforesaid.

Persons building mills to make good bridges, &c.

XXVII. AND BE IT ENACTED, That where any person or persons have built, or shall hereafter build or erect, any mill in Somerset county, on any branch or run below the places where public main roads did or shall cross such branch or run, and by the building and erecting of such mill or dam for the same, the public or main road which crossed, or shall cross, the branch or run as aforesaid, is or shall be any way affected or injured, or the passage therein any way obstructed or rendered difficult or incommodious, such person or persons, or the owner, possessor or occupier, of such mill or mills, shall and they are hereby obliged, by the last day of April next, where such mill or mills have already been built, or within one month after the building of any other mill or mills shall be, or impeding the course of the water as aforesaid, to make good and sufficient bridges and causeways twelve feet wide at the least, over the said branches or runs at the places where the public or main roads crossed, or shall cross, such branches or runs as aforesaid, and the said bridges and causeways maintain and keep in good repair, under a penalty not exceeding thirty dollars for each neglect or offence; provided, that such person or persons, owner or owners, possessor or occupier, of such mill or mills, shall not be obliged to work upon, or send any of their labourers or hands who shall reside in the precinct of such public road to work on, any part of such road, except on such bridges and causeways as aforesaid.

Several acts repealed.

XXVIII. AND BE IT ENACTED, That from and after the first Monday in April next, that act of assembly passed at October session, one thousand seven hundred and four, (a) entitled, An act for the marking of highways, and making the heads of rivers, creeks, branches and swamps, passable for horse and foot, and the several supplementary acts thereto, the act passed at September session one thousand seven hundred and twenty-three, (b) entitled, An act directing the manner of recovering

(a) Chapter 21. (b) Chapter 17.

r not appearing at the clearing of the highways, the act of assembly passed at October session, CHAP. XXXVIII.
ousand seven hundred and fifty-three, (c) entitled, An act for repairing public roads in this
ce, and the supplement thereto, the act passed at November session, one thousand seven hun-
nd ninety-four, (d) entitled, An act relating to public roads in this state, and to repeal the
assembly therein mentioned, and the supplements thereto, the act passed at November session,
ousand seven hundred and ninety *seven*, (e) entitled, An act respecting the roads of Somerset
Worcester counties, and the supplement thereto, (f) so far as they relate to Somerset county,
the same are hereby repealed.

(c) Chapter 16. (d) Chapter 52. (e) 1796, chapter 59. (f) 1797, chapter 84.

CHAP. XXXIX.

ACT to prevent the firing of woods in the several counties in is state therein mentioned. Lib. JG. No. 3. fol. 93.

Passed 15th of Jan. 1799.

HEREAS it hath been represented to this general assembly, that numbers of persons are in the custom of setting fire to the woods in this state for different purposes, thereby producing nsive conflagration, detrimental to the soil, destructive of the timber, and injurious to the s of improvement; therefore, Preamble.

BE IT ENACTED, *by the General Assembly of Maryland*, That whosoever shall, at any time here- wilfully and maliciously set on fire any woods, fences, marshes, lands, leaves or rubbish there- thin Baltimore, Anne-Arundel, Frederick, Montgomery, Allegany, Queen-Anne's, Harford, and Prince-George's counties, so as thereby to occasion any loss, damage or injury, to any person or persons, every such person or persons so offending, and being thereof legally con- in the court of the county where such firing and damages shall take place, shall pay a fine, ceeding one hundred dollars, one half thereof to the informer, the other half to the use of nty where the firing and damage shall take place, the said fine to be recovered by indictment the county court where the offence was committed; and if it shall happen that any person or convicted under this act shall not be able to pay the fine imposed, such person or persons ffer imprisonment, not exceeding six months, at the discretion of the court, without the ge of being let to bail. Penalty for setting woods on fire, &c.

AND BE IT ENACTED, That where any offence shall be committed against the tenor of this any slave or servant, without the direction of his or their master, or mistress or overseer ively, and such offender be thereof duly convicted before a single magistrate, such offender or rs, unless his or her master or mistress will pay the fine imposed, at the discretion of the ate, not exceeding ten pounds, with costs of suit, shall receive not exceeding thirty-nine on his or her bare back, at the discretion of the said magistrate. Slaves offending to be whipped, &c.

AND BE IT ENACTED, That where any person or persons so offending as thereby to occasion s, damage or injury, to any other person or persons, every such person or persons so offending and hereby are declared liable to make satisfaction for the same, in any action or actions on e to be brought by the party or parties aggrieved. Persons liable for damages.

CHAP. XL.

ACT to open and establish a road from Worton Neck to Chester- wn, in Kent county. Lib. JG. No. 3. fol. 95.

HEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Worton Neck, in Kent county, that they experience great inconvenience for want of a direct ading from said Neck to Chester-town, as also a convenient communication with the roads to the mills and places of worship in their neighbourhood; Preamble.

BE IT ENACTED, *by the General Assembly of Maryland*, That Benjamin Chambers, James Ander- nior, and Thomas Wilkins, forest, be and they are hereby appointed commissioners for the , and any two of them are hereby authorised and empowered to lay out and open, at the ex- of Kent county, a road, not exceeding twenty-five feet wide, beginning for the same at lot one of the purchase upon sales of the land of Richard Lloyd, deceased, and running thence Neck through the aforesaid land to the corner of John Rickets's lot, then with his land until rsects the main road leading from John Bordley's farm in Worton Neck aforesaid to Chester- and the said road, when so laid out and completed, shall be recorded among the records of said Commissioners appointed, &c.

CHAP. XL.

said county, and be thereafter deemed and taken to be a public road, and shall be kept in repa other public roads in said county are directed to be kept.

Freeholders to be summoned, &c.

III. AND BE IT ENACTED, That the commissioners aforesaid shall and they are hereby direct apply to any justice of the peace for the county aforesaid, who shall issue his warrant, under and seal, directed to any constable of the said county, commanding him to summon twelve freeh ers, disinterested as to the lands, and not connected with any person through whose lands the road may pass, to appear at a place and on a day by him to be appointed, and after taking the lowing oath, or affirmation, as the case may be, to wit: "I, A. B. do swear, or solemnly, sincer "and truly declare and affirm, that I will honestly and faithfully estimate and value the damage "injury sustained by C. D. by opening a road through the land of the said C. D. in pursuance o "directions of this act," shall proceed to ascertain and value what damages may be sustained by person or persons through whose land the said road may pass, by opening and clearing the same, shall return the damages by them assessed to the clerk of the said county, and the damages so ass shall be conclusive; and after the valuation so made, the said commissioners shall proceed to open clear the same, provided that the said road shall not pass through any houses, gardens, orchar meadows, unless with the consent of the owner thereof.

Damages to be laid before the court, &c.

IV. AND BE IT ENACTED, That the clerk of the said county, at their next levy court follo shall lay the damages so assessed before the said court, and the justices of the said court shall lev on the assessable property of the said county the damages so adjudged to be sustained by the pe through whose lands the road as aforesaid shall pass, and which sum, when collected, shall be pa the person or persons sustaining such damages by the collector of the said county.

CHAP. XLI.

Passed 15th of Jan. 1799.

An ACT to authorise the building a market-house on the cou wharf in Chester-town, in Kent county, and for the regulation the said market. Lib. JG. No. 3. fol. 96.

A Supplement ch. 91.

Preamble.

WHEREAS it has been represented to this general assembly, by the memorial of sundry i bitants of Chester-town, in Kent county, that the market-house at present in the said is too small for the accommodation of the inhabitants thereof, and is situated at such a distance the water as to make it inconvenient to many persons to attend the same, and they have praye the liberty of erecting another market-house on the county wharf in the said town, at their own pence, and to establish the same as a market, when it shall be completely finished; and the same pearing reasonable to this general assembly, therefore,

Commissioners appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Richard Tilghman, the so William M'Kenny and Robert Anderson, be and they are hereby appointed commissioners for purposes in this act mentioned; and the said commissioners, or any two of them, are hereby au rised to receive, by subscription or otherwise, such sum or sums of money as they may think nece for the purpose of building a market-house on the public ground adjoining the county wharf in C ter-town, in Kent county, and the said commissioners, or any two of them, be and they are hereb empowered, as soon as a sufficient sum of money shall be subscribed, and such part thereof coll as they may think necessary, to contract and agree with any person or persons they may think pro to erect and build a market-house on some part of the public ground adjoining the county wharf Chester-town, in Kent county, to be fixed and agreed on by the said commissioners, or any two them, sufficiently large for the accommodation of the inhabitants of the said town.

Provisions to be extended, &c. * 1784, ch. 2.

III. AND BE IT ENACTED, That as soon as the said market-house shall be finished, all and sing the provisions mentioned in the act, * entitled, An act to establish a market at the market-hou Chester-town, in Kent county, and for the regulation of the said market, and the different sup ments passed thereto, shall be and the same are hereby extended to the market-house to be built established by virtue of this act, so far as the same shall not be inconsistent with any of the provi herein contained.

Market-days.

IV. AND BE IT ENACTED, That Tuesdays (a) and Fridays in every week shall be set apart, pointed and held, as market-days for said market, as soon as the same shall be completely finished

(a) By chapter 91, Mondays are substituted for Tuesdays.

V.

AND BE IT ENACTED, That nothing herein contained ſhall be conſtrued in any manner to in- with the market at preſent eſtabliſhed in the ſaid town, but that the ſame be held on the days tofore directed, on which ſaid days no market ſhall be held in the market-houſe to be eſtabliſh- his act, neither ſhall any market be held at the preſent market-houſe on the days ſet apart and ed by this act, when the ſaid market-houſe ſhall be finiſhed, as contemplated by this act. CHAP. XLI. Not to interfere with the preſent market, &c.

CHAP. XLII.

CT for the relief of Henry Clark, ſenior, of Montgomery county. Lib. JG. No. 3. fol. 98. rivate Act. Paſſed 15th of Jan. 1799.

CHAP. XLIII.

ACT to empower the levy court of Baltimore county to aſſeſs d levy a ſum of money for the purpoſe therein mentioned. ib. JG. No. 3. fol. 99.

HEREAS Henry Ridgely hath repreſented to this general aſſembly, that in the month of No- vember, ſeventeen hundred and ninety-ſix, he was appointed chief juſtice of the third diſtrict ryland, as alſo chief juſtice of the criminal court of Baltimore county; and that the chief juſ- the ſaid diſtrict was, by the act of aſſembly in that caſe made and provided, entitled to receive penſation for his ſervices as chief juſtice of the ſaid Baltimore county criminal court, at the two hundred pounds current money *per annum*, only on the condition that the ſaid chief juſ- ould actually reſide in the city of Baltimore: And whereas the ſaid Henry Ridgely hath ſtated, wing to ſundry accidents and inconveniencies he was rendered utterly unable to take up his re- in the city of Baltimore, as the law required, from the month of November, ſeventeen hun- nd ninety-ſix, to the month of November, ſeventeen hundred and ninety-ſeven, and that in uence thereof he forfeited the payment of the ſalary appertaining to him as chief juſtice of timore county criminal court for that time, notwithſtanding that he actually officiated as chief of the ſaid Baltimore county criminal court at very conſiderable labour and expence, for which never been compenſated; therefore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy court of ore county ſhall be and they are hereby directed and empowered to aſſeſs and levy on ſaid the ſum of two hundred pounds current money, and that the ſame, when collected by the or of Baltimore county, ſhall be by him paid, according to the order of the levy court afore- o the ſaid Henry Ridgely, as a compenſation for his ſervices as chief juſtice of Baltimore criminal court from the month of November, ſeventeen hundred and ninety-ſix, to the month ember, ſeventeen hundred and ninety-ſeven. Juſtices to levy money, &c.

CHAP. XLIV.

CT for the relief of certain foreigners therein mentioned. Lib. JG. No. 3. fol. 100. A ate Act.

CHAP. XLV.

ACT authoriſing the laying out a certain road in Worceſter coun- . Lib. JG. No. 3. fol. 101.

HEREAS it is repreſented to this general aſſembly, by the petition of ſundry inhabitants of Worceſter county, that the laying out a road from the interſection of Chriſtopher's road with in road leading from Snow Hill to Saliſbury, and from thence by and with a private road on e of John Cathel and Jeſſe Fooke's land until ſaid road interſects Levy Cathel's line, and from by and with the ſaid Levy Cathel's line as a private road now runs until it interſects the di- ine of David Cathel and Thomas Fookes, and from thence by and with the aforeſaid private ong the line of John Cathel and Joſeph Fooke until it interſects the diviſion line between John s and William Pollett's land, and from thence by and with the line or lines aforeſaid to the hat divides Worceſter and Somerſet counties near Auſtin's mill, would be of public utility; ore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That William Chaille, John Daſhiell, an Parſon, John Flint and William Toadwine, be and they are hereby authoriſed to open and he ſaid road thirty feet wide, in the manner following, viz. The ſaid road leading from the ction of Chriſtopher's road with the main road leading from Snow Hill to Saliſbury to the main viding Somerſet and Worceſter counties as aforeſaid, and the ſaid roads, ſo opened and clear- Commiſſioners appointed, &c.

ed,

CHAP. XLV.

ed, after the valuation herein after directed to be made, or the damages herein after directed to be assessed, shall be paid or secured to the individuals concerned, shall be recorded among the records of Worcester county, shall for ever thereafter be deemed a public road, and shall be kept in repair in the same manner as other public roads are kept in the said county.

Who shall ascertain damages, &c.

III. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, by opening and clearing the same, and the said valuation shall be made and paid before the commissioners shall proceed to open and clear the same; and in case any proprietor or proprietors shall conceive him, her or themselves aggrieved by the valuation of the said commissioners, or shall be an infant, *feme-covert*, or *non compotes mentis*, it shall and may be lawful for the said commissioners, on the application of any person interested, to apply to any justice of the peace for the county of Worcester, who shall thereupon issue his warrant, under his hand and seal, to the constable of the hundred wherein such lands may be, commanding him to summon twelve freeholders, disinterested in the said road, to appear on a day by him to be appointed on the said lands, at which time the freeholders, so summoned, shall respectively appear before such justice, and take the following oath or affirmation, viz. "I, A. B. do swear, or affirm, that I will honestly value the damages and injury "sustained by opening a road through the lands of the said C. D. in pursuance of this act," and shall return an inquisition of such damages by them assessed to the clerk of the county court of Worcester, and the damages so assessed shall be conclusive.

Persons benefitted to pay, &c.

IV. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefitted by such road are hereby required to pay into the hands of the commissioners aforesaid, for the use of the person or persons in whose favour such valuation may be made, immediately upon laying out the road aforesaid, whatever damages be as aforesaid adjudged to the party sustaining such damages, and in case of failure of payment as aforesaid, this act to be null and void, but in case of compliance with the provisions of this act, the said road to be considered as a public road, and to be kept up as a public road in said county.

CHAP. XLVI.

Passed 15th of Jan. 1799.

An ACT to authorise the levy court of Prince-George's county to assess and levy a sum of money as an additional compensation to John Thomas Boucher, one of the assessors of said county. Lib. JG. No. 3. fol. 103.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of John Thomas Boucher of Prince-George's county, that he was appointed one of the assessors of said county, and that the allowance limitted by law was not an adequate compensation for the trouble and convenience of making the assessment within his district: And whereas it is recommended by the commissioners of the tax of said county that an additional allowance be made to said Boucher, as the performance of the duty of said Boucher was much more laborious, and required a greater length of time, than that of any other assessor; therefore,

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the levy court of Prince-George's county be and they are hereby authorised and required, at their next levy court, to levy on the assessable property of said county the sum of one hundred and sixty dollars, as an additional compensation to said Boucher.

To be paid to J. T. Boucher.

III. AND BE IT ENACTED, That the collector of Prince-George's county shall collect and pay the said sum of one hundred and sixty dollars to the said Boucher, or his order, in the same manner other county charges are collected and paid.

CHAP. XLVII.

An ACT to confirm certain proceedings of the levy court of Worcester county. Lib. JG. No. 3. fol. 104.

Preamble.

WHEREAS it has been represented to this general assembly, by the levy court of Worcester county, that the inhabitants of the town of Snow Hill, in said county, and the county at large, have laboured under great inconvenience for the want of an alley leading from one of the streets in said town to the county wharf and warehouse, and that they have contracted with a certain [illegible] Kimmey

ery Scarborough for ground ſufficient for the ſaid alley, for the ſum of one hundred and ſixteen five ſhillings; therefore, CHAP XLVII.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That John Gunby, Benjamin Dennis, Quinton and John Cottingham, be and are hereby appointed commiſſioners to take a deed from id Scarborough for the ſaid ground for the uſe of the inhabitants of Worceſter county; and all proceedings of the ſaid levy court, and the commiſſioners aforeſaid, in purſuance of this act, reby confirmed. Commiſſioners appointed, &c.

AND BE IT ENACTED, That when the deed aforeſaid is executed by the ſaid Scarborough to ommiſſioners aforeſaid, it ſhall be delivered to the clerk of the county court, who ſhall record me, and when recorded it ſhall have as full and complete effect as if the ground aforeſaid had condemned for the uſe of the county. Deed to be delivered, &c.

AND BE IT ENACTED, That the levy court of Worceſter county, at their next ſeſſion, be re hereby authoriſed to levy all ſums of money neceſſary for carrying this law into effect. Money to be levied.

CHAP. XLVIII.

ACT for the benefit of William Carpenter, of Saint-Mary's ounty. Lib. JG. No. 3. fol. 105.

Paſſed 15th of Jan. 1799.

WHEREAS it is repreſented to this general aſſemoly, by the memorial of William Carpenter, of Saint-Mary's county, that he was inſpector of Town creek warehouſe, in the county aid, when an act * paſſed, entitled, A further additional ſupplement to an act to regulate the ction of tobacco, and to continue certain parts of the ſaid act, and the ſupplementary acts there- hat agreeable to a proviſion in the ſaid act, the warehouſe, of which the petitioner was inſpec- was diſcontinued by the juſtices of the levy court for the county aforeſaid, after which diſcon- nce there were two hogſheads of tobacco ſtolen out of the ſaid warehouſe, amounting in the e to ſeventeen hundred and ſixty-five net pounds of tobacco, the firſt of which the petitioner aid to the owner, and that there is now a ſuit inſtituted againſt him for the ſecond, and praying a law may paſs, authoriſing the levy court for the county aforeſaid to levy a ſum of money to burſe him for the loſſes which he has ſuſtained; therefore, Preamble.

* 1795, ch. 71.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy court for county aforeſaid ſhall be and they are hereby authoriſed and empowered to levy ſuch ſum of y on the county aforeſaid as they ſhall deem ſufficient to reimburſe the ſaid William Carpenter he loſs of two hogſheads of tobacco, weighing net ſeventeen hundred and ſixty-five pounds, and for the coſt of ſuit now inſtituted againſt him for one of the ſaid hogſheads of tobacco, if any coſt ſhall accrue; which ſaid ſum or ſums of money ſhall be collected and paid to the ſaid Wil- Carpenter by the collector or collectors of the county aforeſaid, agreeably to the order of the court aforeſaid. Juſtices to levy money, &c.

CHAP. XLIX.

ACT reſpecting public roads in Waſhington county. Lib. JG. No. 3. fol. 106.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Waſhington county ſhall have power and authority to appoint three diſcreet perſons, freeholders in ſaid county, miſſioners to lay out and ſurvey two roads, to wit: One leading from Elizabeth-town, in Waſh- on county aforeſaid, to the county line at Charlton's gap in the South Mountain, and the other Elizabeth-town aforeſaid to the Pennſylvania line in Nicholſon's gap, not exceeding forty feet in width, clear of ditches, in as ſtreight lines as the nature of the grounds and the reſtrictions in after mentioned will admit of, and without delay execute, ſign and ſeal, plain plots of the , with explicit explanations thereof, and make return of ſuch plots and explanations to the ſaid t, who, on receiving ſuch plots and explanations, ſhall examine the ſame, and all the evidence ſhall or may be offered for or againſt the ſaid roads, or either of them, as returned, and upon ideration of all circumſtances, may reject or confirm the ſame, or either of them, as a public or roads, or may direct the ſaid commiſſioners to alter and amend the ſaid plots, or either of m, and when ſo amended, may reject or confirm the ſame, and when confirmed, ſhall cauſe the e to be recorded among the land records of Waſhington county, in teſtimony of the ſame being bliſhed by law, and ſhall direct the ſaid commiſſioners to mark and bound the ſaid roads, (or either Court to appoint perſons, &c.

CHAP. XLIX.

of them which shall be by the said court confirmed,) and direct a supervisor or supervisors to c and improve the same, in the same manner, and on the same terms, as other public roads in county are by law directed to be cleared and improved; and upon completing the same, the roads, (or road, as the case may be,) shall be deemed a public road or roads, and shall be kept in pair as all other public roads in said county are by law directed to be kept.

And agree for damages, &c.

II. AND BE IT ENACTED, That in case the said levy court shall ratify and confirm either or of the said roads directed by this act to be laid out, they shall be and are hereby authorised and powered to agree and contract with the person or persons over whose land such road or roads pass, for the amount of the damages thereby sustained, not exceeding the rate of ten pounds cur money per acre, but if such agreement doth not take place, then the said court shall issue their rant, directed to the sheriff of the county, commanding him to summon and return a jury of tw good and lawful men of the said county, not interested or related to the party or parties, to be appear before some one of the justices of the said court, on the premises, at a certain day in the warrant to be expressed, which jury, on their oath, or affirmation, as the case may be, to be ministered by the said justice, shall inquire who are the owner or owners of the land over which road or roads so laid out and ratified shall pass, and what damages such owner or owners will acc suffer from the passage of such road or roads over the said land, the said jury taking into consid tion all conveniencies and inconveniencies, advantages and disadvantages, if any, arising from opening and improving of the said road or roads; and such sheriff shall return the inquisition of said jury, under their hands and seals, and attested by his official signature, to the next levy cou be held for the county, and the amount of the damages therein expressed, if any, shall be paid order of the said court, out of the monies to be levied as is by law directed; provided that the road or roads shall not be made to run through any building, enclosed yard, garden or orchard, w out the consent of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other tivated vegetables are growing, be laid open until after the season for collecting and securing crop growing in such field.

Compensation to be made, &c.

III. AND BE IT ENACTED, That when the commissioners who may be appointed under thi shall have discharged all the duties required of them in virtue of such appointment, the levy c aforesaid shall order to be made to the said commissioners respectively, out of the monies to be le as is by law directed, such reasonable compensation as to the said court shall seem meet, and the commissioners respectively shall thereafter be discharged.

Parts of an act repealed.
* Chapter 32.

IV. AND BE IT ENACTED, That such parts of an act of assembly passed at November session, thousand seven hundred and ninety, * entitled, An act to streighten and amend the several p roads in several counties, and for other purposes therein mentioned, as direct the two follo sixty feet roads in Washington county to be laid out, surveyed, marked and bounded, to wit: leading from Elizabeth-town to the county line at Charlton's gap in the South Mountain, and other from Elizabeth-town to the Pennsylvania line in Nicholson's gap, be and the same are he repealed, abrogated and annulled.

CHAP. L.

Passed 15th of Jan. 1799.

An ACT to authorise and empower the levy court of Montgom county to assess and levy annually a sum of money for the supp of Catharine Lenham. Lib. JG. No. 3. fol. 109.

Preamble.

WHEREAS Catharine Lenham, of Montgomery county, by her petition to this general as bly hath set forth, that she is now arrived at the age of eighty-four years, and has been several years past supported by some few charitable persons, but being now so weak, is obliged have more attendance, and through the infirmity of her daughter, who heretofore attended her, consequently becomes more burthensome to her charitable benefactors, and prays an act may pa provide for her future maintenance out of the poor's house; and the facts stated in said petition pearing to be true, therefore,

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy cour Montgomery county shall be and are hereby directed and empowered, at their levy court annual long as they shall see cause, to assess and levy on the assessable property of said county a sum money, not exceeding forty dollars, for the support and maintenance of the said Catharine Len and that the same be collected and paid annually by the collector of Montgomery county to person as the levy court of said county shall or may direct.

CHA

CHAP. LI.

ACT to prevent the going at large of geese and swine in the town of Havre-de-Grace, in Harford county. Lib. JG. No. 3. fol. 110.

Passed 15th of Jan. 1799.

No geese, &c. to go at large, &c.

IT ENACTED, *by the General Assembly of Maryland*, That from and after the first day of April, in the year of our Lord one thousand seven hundred and ninety-nine, no geese or swine belonging to the inhabitants of said town shall be suffered to go at large in the town of Havre-de-Grace, Harford county; and if any person shall find any geese or swine going at large in the town of Havre-de-Grace aforesaid, it shall and may be lawful for such person to kill, or cause to be killed, such geese or swine.

General issue pleadable, &c.

AND BE IT ENACTED, That if any person shall be sued for killing any swine or geese going at large in the town of Havre-de-Grace aforesaid, such person may plead the general issue, and give this act and the special matter in evidence.

CHAP. LII.

ACT to prevent the going at large of swine within three miles of George-town, in Montgomery county. Lib. JG. No. 3. fol. 110.

Swine not to go at large, &c.

IT ENACTED, *by the General Assembly of Maryland*, That from and after the first day of March, in the year one thousand seven hundred and ninety-nine, no swine shall be suffered to go at large in that part of Montgomery county lying between Patowmack river and Rock creek, and within three miles of George-town; and if any person shall find on his land, or on any land in his possession lying within three miles of the said town, and between the said river and creek, any swine, he shall and may be lawful for him any such swine to impound, or cause to be impounded.

If impounded, to be advertised, &c.

AND BE IT ENACTED, That it shall be the duty of every person who shall impound any swine by virtue of this law, to cause the marks and description of such swine to be advertised in the George-town news-paper for at least seven days, and if the same are not reclaimed by that time, and the expences of advertising, impounding and keeping them, paid, that the same shall be publicly sold, giving seven days notice of the time and place, and the proceeds of such sale shall be first applied to the expence of advertising, impounding and keeping them, and the surplus to the owner of the swine, if demanded within sixty days after the sale, and if not demanded within that time, then the surplus to be paid to the trustees of the poor-house for Montgomery county.

General issue pleadable, &c.

AND BE IT ENACTED, That if any person shall be sued for impounding any swine found upon his land, or any land in his possession, the defendant may plead the general issue, and give this act and the special matter in evidence.

CHAP. LIII.

Further supplement to the act, (a) entitled, An act to lay out several turnpike roads in Baltimore county, and for other purposes. Lib. JG. No. 3. fol. 111.

(a) April, 1787, ch. 23.

Preamble.

WHEREAS the commissioners of review for Baltimore county have not, in conformity to the powers vested in them by an act * of the last general assembly, entitled, A further supplement to the act, entitled, An act to lay out several turnpike roads in Baltimore county, and for other purposes, within the time therein limitted, reviewed, and ultimately ascertained, the direction of the several turnpike roads mentioned in said further supplement; therefore,

* Chapter 105.

Time extended.

BE IT ENACTED, *by the General Assembly of Maryland*, That the time limitted in the said further supplement, passed at the last session of assembly, for ascertaining and fixing the direction of the turnpike roads therein mentioned, be and the same is hereby extended to the first Monday in October next.

Commissioners, to meet, &c.

AND BE IT ENACTED, That the said commissioners of review, (provided it is not sooner done) shall meet in the city of Baltimore on the first Monday in may next, and from thence proceed to review, and ultimately ascertain, the direction of all the roads which they are authorised to review and ascertain, and if a majority of the said commissioners of review shall not attend agreeably

CHAP. LIII.

bly to the direction of this act, unleſs prevented by ſickneſs, the commiſſioner or commiſſion attending ſhall, within ten days, notify to the clerk of the commiſſioners of the tax the name the abſent commiſſioners of review neglecting to attend as aforeſaid, or prevented by ſickneſs, the ſaid clerk is hereby directed to call, by public advertiſement, a meeting of the commiſſioner the tax, who ſhall, upon their meeting, proceed to the appointment of other commiſſioners of rev in the place of thoſe neglecting to attend as aforeſaid; and the ſaid commiſſioners of review, ſo pointed by the commiſſioners of the tax, ſhall be deemed commiſſioners of review in the place thoſe excluded by neglecting to attend as aforeſaid.

And review the direction, &c.

IV. AND BE IT ENACTED, That the commiſſioners of review ſo appointed by the commiſſion of the tax, in conjunction with thoſe retaining their places, or a majority of them, ſhall, on before the firſt Monday of October next, review, and ultimately aſcertain, the direction of all ro which by the original act and ſupplements thereto, to which this is a further ſupplement, and an entitled, An act to ſtreighten and amend the ſeveral public roads in ſeveral counties, and for o

* Chapter 32.

purpoſes therein mentioned, paſſed at November ſeſſion, ſeventeen hundred and ninety,* they authoriſed to review, and ultimately aſcertain, not heretofore reviewed and aſcertained agreeably the proviſions of the original acts, and the ſupplements thereto, and when the ſaid road or ro ſhall be ſo aſcertained, a plot ſhall be returned thereof, within two months, to the clerk of Baltim county, for the purpoſe of being recorded.

Penalty for neglect, &c.

V. AND BE IT ENACTED, That in caſe the commiſſioner or commiſſioners of review attending the ſaid firſt Monday in May next, or within ten days thereafter, ſhall neglect to notify to the c of the commiſſioners of the tax the names of the abſent commiſſioners of review, if any, the commiſſioner or commiſſioners ſo neglecting as aforeſaid ſhall be ſubject to the payment of a fi one hundred dollars, one half thereof to go to the informer, and the other half for the uſe of B more county, to be recovered by indictment or information.

CHAP. LIV.

Paſſed 15th of Jan. 1799.

An ACT to authoriſe and empower the levy court of Montgom county to aſſeſs and levy annually a ſum of money for the ſu port of Joſeph Crown. Lib. JG. No. 3. fol. 113.

Preamble.

WHEREAS Joſeph Crown, of Montgomery county, by his petition to this general aſſem hath ſet forth, that he is now in the ninety-ſecond year of his age, and has no o dependence whereby to ſubſiſt but on the benevolence and care of an affectionate daughter, wi very poor, and prays an act may paſs to provide for his future maintenance out of the poor's ho and the facts ſtated in ſaid petition appearing to be true, therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Montgomery cou ſhall be and are hereby directed and empowered, at their levy court annually, ſo long as they ſee cauſe, to aſſeſs and levy on the aſſeſſable property of ſaid county a ſum of money, not exceed thirty dollars, for the ſupport and maintenance of ſaid Joſeph Crown, and that the ſame be colle and paid annually by the collector of Montgomery county to ſuch perſon as the levy court of county ſhall or may direct.

CHAP. LV.

An ACT to open a road from Martin's ford, on the north branch Patowmack, to interſect the main road leading from the mouth George's creek to the town of Cumberland. Lib. JG. No. fol. 114.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of ſundry inhabitant Allegany county, that they find it inconvenient and troubleſome to tranſport the produc their farms to market, owing to the want of a road from Martin's ford, on the north branc Patowmack, the moſt direct and convenient way, to interſect the main road leading from the mo of George's creek to Cumberland,

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Joſeph Creſap, Thomas Dav of William, and Ebenezer Davis, or any two of them, be and they are hereby appointed comm

for the purpose of laying off a road from Martin's ford, on the north branch of Patowmack, erfect the main road leading from the mouth of George's creek to Cumberland, in the most di- nd convenient way, so as to interfect the same; and the said road, when so laid out, opened, d and completed at the expence of the petitioners, and after the valuation herein after directed made, and the damages hereby directed to be assessed, shall be paid or secured to the individuals rned, shall be recorded among the records of Allegany county court, and be thereafter deemed ken to be a public road for ever, and shall be kept in repair in manner and form hereafter ed.

Who shall ascertain damages, &c.

AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what da- such road running through any persons land shall amount to, which shall be paid to the person naged by the parties petitioning for, or wishing said road.

Persons to be subject to an overseer, &c.

AND BE IT ENACTED, That all persons subject to labour on, or otherwise keep in repair, roads, and living on the following tracts or parcels of land, to wit: The Cove, Long Bottom, t number three thousand five hundred and eighty-one, shall be subject to an overseer, to be ap- d as other overseers are appointed in Allegany county, and shall labour on, or otherwise keep air, the road aforesaid, and shall not be liable to labour on, or keep in repair, any other pub- d in said county.

Not to exceed 20 feet wide.

AND BE IT ENACTED, That the said road shall not exceed twenty feet in width, and shall not ough any orchard or meadow, unless with the approbation of the owner or owners thereof.

CHAP. LVI.

Passed 15th of Jan. 1799.

ACT to establish and confirm certain acts done by persons hold- g offices of trust and profit under the government of the United tates. Lib. JG. No. 3. fol. 115.

Preamble.

HEREAS persons in several of the counties of this state have continued to act as associate justices of the county courts, or as justices of the peace, or as justices of the orphans courts n, after having accepted offices of profit and trust under the government of the United States, oubts are entertained as to the validity of all acts done before or by them,

Certain acts declared valid, &c.

E IT ENACTED, *by the General Assembly of Maryland*, That if any person holding an office of or trust under the government of the United States, since the thirtieth day of December, se- n hundred and ninety-one, hath, at the same time, acted as justice of the peace, or as an asso- justice, or as a justice of the orphans courts within this state, under a commission from the tive thereof, that each and every act done by or before such person in the capacity of a justice peace, or as associate justice, or justice of the orphans courts, within the proper limits of his ction, shall be and the same are hereby declared valid and effectual, to all intents and purposes.

1799, ch. 68, such acts done since December 22, 1792, are confirmed, and a fine, not exceeding 100 dollars, is imposed rions so situated acting under this state after the first of March, 1800.

CHAP. LVII.

ACT to enable the justices of Kent county court to cause to be ranscribed the records and papers therein mentioned. Lib. JG. o. 3. fol. 116.

Preamble.

HEREAS it is represented to this general assembly, that sundry of the record books and other papers belonging to the orphans court of Kent county are much defaced and injured, and by suffered to remain in their present state they may be entirely useless, and the inhabitants of ounty would be much injured thereby; therefore,

Records to be transcribed, &c.

E IT ENACTED, *by the General Assembly of Maryland*, That the justices of Kent county court nd they are hereby authorised and required, to cause all such record books and papers belong- the orphans court of said county as have been defaced and much injured, and such as they, in discretion, may think necessary, to be transcribed into new record books by some person to be nted by the said court, and the record so transcribed shall be good in law, to all intents and ses, as the original records from which they were transcribed.

III. AND

CHAP. LVII.

Money to be assessed, &c.

III. AND BE IT ENACTED, That the justices of the levy court for the said county are hereby powered to assess and levy on the said county such a sum of money as the justices of the county co may direct, to defray the costs and charges arising for transcribing the said records and other pap belonging to the orphans court aforesaid, after the same shall have been done, in the same manne other county charges are imposed and levied, and the same shall, when collected, be paid to the son by whom the same shall be transcribed, for his trouble and expences in performing the du required by this act.

CHAP. LVIII.

Passed 15th of Jan. 1799.

An ACT to incorporate a school in Allegany county, by the na of Allegany County School. Lib. JG. No. 3. fol. 117.

Preamble.

WHEREAS it is reasonable that education should be extended to the several parts of this St and that there should be a public school in Allegany county; therefore,

Persons named may purchase land, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That in order to the erecting and bu ing a house and other conveniencies for a county school, the persons herein after named shall h power to purchase one or more acres of land in or adjoining the town of Cumberland, in Alleg county, to wit: John Lynn, Evan Gwynn, William M'Mahon, Joseph Cresap, David Lynn, Pat Murdock, Hanson Briscoe, John B. Beall and John C. Beatty, who shall be visitors of said sch which said persons, so nominated visitors for Allegany county school, and their successors, appoi in the manner herein after declared, shall and are hereby declared to be one community, corpor and body politic, to have continuation for ever, by the name of The Visitors of Allegany Co School, and by that name to sue and be sued, implead or be impleaded, and to make and have a mon seal, and the same to break, alter or renew, when and so often as they shall think fit.

How vacancies are to be filled.

III. AND BE IT ENACTED, That the aforesaid visitors, and their successors, or a majority of th shall, at any and at all times, upon the death, resignation, or removal from the county, of any or more of the visitors, appoint other sensible and discreet man or men of the said county to be visitor or visitors to fill the vacancy created by the death, resignation or removal, aforesaid.

Visitors to make ordinances, &c.

IV. AND BE IT ENACTED, That the said visitors, and their successors, or a majority of th shall have full power and authority to make fundamental ordinances for the government of the sc or seminary aforesaid, and the education of the youth, and to appoint such person or persons as t or a majority of them, may think proper, to be teacher or teachers of the said school.

Meet twice in each year, &c.

V. AND BE IT ENACTED, That the said visitors, and their successors, or a majority of them, meet at least twice in each year, at such time as shall be appointed by their own ordinances, in o to examine the progress of the students and scholars, and to hear and determine on all compla and appeals, and all matters touching the discipline of the seminary, and the good and wholes execution of their ordinances, on all which occasions a majority at least of the visitors shall com a quorum.

And may hold property, &c.

VI. AND BE IT ENACTED, That the said visitors, and their successors, may hold and enjoy, that they may be apt and capable in law for taking, holding and enjoying, all manors, lands, t ments, rents, services, portions, annuities, pensions, with all other inheritances, franchises possessions whatsoever, of the gift of any person whatsoever that is willing to bestow them, for use of the school aforesaid, or any other gifts, grants, assignments, legacies or donations, of any all kinds whatever, for the use and benefit of said school.

Ordinances, &c. to be laid before assembly.

VII. AND BE IT ENACTED, That the ordinances which shall from time to time be made by said visitors, and their successors, with an account of their other proceedings, shall, when requi be laid before the general assembly, for their examination and inspection.

Treasurer to pay, &c.

VIII. AND BE IT ENACTED, That the treasurer of the western shore shall pay to the afore trustees, or their order, annually, as a public donation, the sum of two hundred dollars, for the poses of education, the first payment whereof shall be made on the first day of October next, for use and encouragement of the school aforesaid, the sum of two hundred dollars to be applied at discretion of the trustees aforesaid.

CH

CHAP. LIX.

Passed 18th of Jan. 1799.

ACT to appoint an agent for the year one thouſand ſeven hun- ed and ninety-nine. Lib. JG. No 3. fol. 119.

An agent appointed, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That William Marbury be agent of this ſtate, o execute the truſt and power repoſed in him by virtue of this act from the firſt day of January, houſand ſeven hundred and ninety-nine, until the firſt day of January, one thouſand eight ed.

To ſuperintend the collection of arrearages, &c.

AND BE IT ENACTED, That the ſaid agent ſuperintend the collection of all arrearages and es due from the ſeveral collectors of the reſpective counties within this ſtate, and the ſaid is hereby authoriſed and required to call upon the treaſurers of the reſpective ſhores for an te ſtatement of all arrearages and balances due from ſuch collectors, and ſuch account ſhall niſhed by the ſaid treaſurers accordingly.

Of balances on the auditor's books, &c.

AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of es due to the ſtate on the auditor's books or on open account; and the ſaid agent ſhall have to require payment of, and, if neceſſary, to ſue for and recover the ſame; and the ſaid agent, he approbation of the governor and council, may make compoſition with any ſuch debtors, ke bonds to the ſtate, with ſufficient ſecurity, and give time for payment, not exceeding two from the firſt day of January, ſeventeen hundred and ninety-nine.

And all monies due for duties, &c.

AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all s due to the ſtate for naval duties, fines, penalties, forfeitures and amerciaments, and forfeited izances, and for ordinary, retailers and marriage licences, and to require payment, and (if ary) ſue for and recover the ſame; and the ſaid agent may allow for inſolvencies, and credit oney that the party is not chargeable with by law, and, for his information of the law, he ke the advice of the attorney-general in writing.

Notice to be given of ſales, &c.

AND BE IT ENACTED, That whenever there ſhall be occaſion to expoſe to public ſale the pro- of any collector, or his ſecurities, by virtue of any execution already iſſued, or to be iſſued for rpoſe, the ſaid agent ſhall cauſe at leaſt thirty days public notice to be given of ſuch ſale, and ttend the ſame, and if it ſhall appear that there is danger of loſing any part of the debt due to te, and not otherwiſe, ſhall purchaſe any property ſo expoſed to ſale for the uſe of the ſtate, in nt, or part payment, as the caſe may be, of the arrearages due by the collectors whoſe property e ſo purchaſed, and that no purchaſe authoriſed by this act ſhall be conſidered as made on the the ſtate, unleſs a public declaration to that effect be made by the agent or his deputy imme- after ſuch ſale and purchaſe; and any property ſo purchaſed for the uſe of the ſtate, the ſaid may again expoſe to public auction, on the moſt advantageous terms for the uſe of the ſtate, and, ſame be ſold on credit, which ſhall in no caſe exceed the term of two years, the ſaid agent ſhall ond, with good and ſufficient ſecurity, to be approved of by the treaſurer of the weſtern ſhore, he purchaſers of ſuch property, and all bonds by him ſo taken ſhall be depoſited, with an ac- liſt thereof ſubſcribed by him, in the treaſury of the weſtern ſhore, and ſhall be a lien upon al property of ſuch purchaſers, and their ſecurities, from the reſpective dates, or ſo much f as is mentioned in the ſchedule thereto annexed.

Agent to diſpoſe of property, &c.

AND BE IT ENACTED, That the ſaid agent is hereby directed to diſpoſe of all confiſcated Britiſh ty that remains unſold, and take bonds to the ſtate, with ſufficient ſecurity, and give time for yment thereof, not exceeding two years from the firſt day of January, ſeventeen hundred and -nine; and that where the quantity of land in any one body ſubject to ſuch ſale exceeds the ty of fifty acres, ſuch land ſhall be diſpoſed of at public ſale, of the time and place of which leaſt thirty days previous notice ſhall be given by public advertiſement; and that at the time ſale by virtue of this act, the ſaid agent ſhall make known that he only ſells the right of this hereto, and that the ſtate doth not guaranty the title to the ſame, or any part thereof, but that rchaſe muſt be in all reſpects at the riſk of the purchaſer.

No payment to be valid, &c.

AND BE IT ENACTED, That no payment in future by any officer or perſon indebted to the hall be valid and effectual, unleſs made to the treaſurer of the weſtern or eaſtern ſhore, or to ent for the time being, or unleſs made to the clerks and ſheriffs of the ſeveral counties, in the where the ſaid clerks and ſheriffs are by law authoriſed to receive the ſame.

VIII. AND

CHAP. LIX.

Agent to take back property, &c.

VIII. AND BE IT ENACTED, That the agent ſhall have full power and authority, by and with advice of the governor and council, in all caſes of uninſtalled debts, to take back any prop heretofore purchaſed by any perſon and not yet paid for, in caſes where the perſon ſo having chaſed, and his ſecurities, are not capable of paying for the ſame, and to compromiſe the ſame terms and principles of equity and juſtice, by and with the advice and conſent aforeſaid; and agent is hereby required to lay a particular ſtatement of his proceedings under this ſection be the next ſeſſion of aſſembly.

And may compromiſe, &c.

IX. AND BE IT ENACTED, That the agent, with the approbation and conſent of the gove and council, be and he is hereby authoriſed and empowered to compromiſe any ſuit dependi chancery with any ſtate debtor, upon any terms in their judgment calculated to promote the int of the ſtate, and to obtain the ſpeedy receipt of the ſums due.

Property taken back may be ſold, &c.

X. AND BE IT ENACTED, That if, under the terms of any compromiſe made as aforeſaid, property heretofore purchaſed ſhould be taken back and reveſted in the ſtate, the ſame may be by the agent, and he is hereby authoriſed and empowered to ſell the ſame at public ſale, giving t days notice, on a credit of two years, payable, one half of the principal, and the whole intere nually, on the firſt day of December in each year; and the bonds, when taken, ſhall be return the treaſury of the weſtern ſhore, and reported to the general aſſembly at their ſeſſion next en the taking of ſuch bonds.

Agent to call on the attorney-general, &c.

XI. AND BE IT ENACTED, That all caſes in chancery, where no compromiſe under this a effected, ſhall be placed under the direction of the agent, who is hereby authoriſed and requi call on the attorney-general to proſecute or defend the ſame to immediate final deciſion; an governor and council are hereby authoriſed and empowered, at the requeſt of the agent, in ca difficulty, to aid the attorney-general, by employing any perſon to attend to ſurveys where nece or otherwiſe to aſſiſt in the proſecution or defence of ſaid ſuits, which perſon or perſons are paid out of the contingent fund of five hundred pounds; and the names of the perſons ſo empl together with the ſum allowed for their ſervices, to be laid before the general aſſembly at their ſeſſion.

Debtors may be ſued, &c.

XII. AND BE IT ENACTED, That if any bond debtor to the ſtate for confiſcated property chaſed, or otherwiſe, ſhall neglect to make payment, agreeably to the condition of his bond, and fu reſolves of the general aſſembly, the ſaid agent ſhall cauſe proceſs to iſſue for the whole principa intereſt then due, or ſhall proceed on any execution already iſſued, and ſerved and ſuſpended, a caſion may require, or, under the direction and with the approbation of the governor and cil, he is hereby authoriſed to delay any execution as long as they may think expedient and nece

Agent to ſuperintend the collection, &c.

XIII. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection balances due on bond taken for taxes due before the firſt day of January, ſeventeen hundre eighty-three; and the ſaid agent ſhall alſo ſuperintend the collection of all balances due on b inſtalled, or otherwiſe, for the emiſſions of paper money of ſeventeen hundred and ſixty-nine, ſeventeen hundred and ſeventy-three.

No proceſs to iſſue, &c.

XIV. AND BE IT ENACTED, That no proceſs ſhall iſſue againſt any of the public debtors, u by the direction of the ſaid agent.

Agent to fix days, &c.

XV. AND BE IT ENACTED, That the ſaid agent ſhall have power to fix ſuch days of ſale of perty taken by *fieri facias*, at the ſuit of the ſtate, as he may think proper, always taking ca give at leaſt twenty days public notice thereof, and the ſaid agent ſhall alſo have power to ſu the ſales, from time to time, as he may think moſt to the advantage of the ſtate.

And pay ſpecie.

XVI. AND BE IT ENACTED, That the ſaid agent ſhall pay into the treaſury, in ſpecie, the am of all ſpecie by him received in the diſcharge of the duties of this act.

Bonds to be a lien.

XVII. AND BE IT ENACTED, That in all caſes where bonds ſhall be taken in virtue of act, the bonds ſhall be a lien on the real property of the obligors from the date thereof, ſo much of the ſaid real property as the governor and council ſhall think ſufficient, to be ticularly mentioned in a ſchedule to be annexed to the ſaid bond, in which caſe it ſhall be a lie the property contained in ſuch ſchedule, and no more, ſuch bond and ſchedule to be lodged wit treaſurer of the weſtern ſhore.

XVIII.

VIII. AND BE IT ENACTED, That all bonds, taken in virtue of this act, ſhall expreſs the county hich the obligors reſpectively reſide, and the treaſurer of the weſtern ſhore ſhall, within one h after he receives them reſpectively, cauſe them, with the ſchedule annexed to them, to be ded in the office of the clerk of the general court of the weſtern ſhore at the expence of the ors; and a copy of the ſaid record, certified under the hand and official ſeal of the ſaid clerk, e as good evidence in any court of law or equity in this ſtate as the original bond would be if s produced; and if any of the obligors in any ſuch bonds reſide on the eaſtern ſhore, the ſaid rer ſhall, within ſix months from the time he receives the ſame reſpectively, tranſmit to the of the general court of the eaſtern ſhore, in the ſame manner as papers on public ſervice are nitted, a copy of ſuch bonds and ſchedules, certified as aforeſaid by the clerk of the general of the weſtern ſhore, to be recorded in the office of the clerk of the general court of the eaſtern at the expence of the obligors, and, in ſuch caſe, a copy of the ſaid record, certified as afore- the clerk of the general court of the eaſtern ſhore, ſhall be good evidence as aforeſaid. And to expreſs the county, &c.

X. AND BE IT ENACTED, That the ſaid agent ſhall render to the treaſurer of the weſtern ſhore t quarterly accounts of his receipts of all money, certificates and bonds, in virtue of this act, all immediately thereupon pay and deliver the ſame to the ſaid treaſurer, who ſhall, in his an- report to the general aſſembly, ſtate fully and particularly the money, certificates and bonds, received from the ſaid agent, and the times when the ſame were received and accounted for. Agent to render quarterly accounts, &c.

. AND BE IT ENACTED, That the ſaid agent ſhall render a fair and full account of his ſeve- oceedings, under the authority of this act, to the general aſſembly at their next ſeſſion, and the firſt ten days after its commencement, in which account ſhall be ſpecified, under diſtinct his own receipts, and thoſe of the treaſurer, and of all transfers of ſtock upon which he may itled to commiſſions, and in which ſhall alſo be contained a particular eſtimate of his commiſſi- ewing how and upon what the ſame aroſe due. A fair account to the general aſſembly, &c.

I. AND BE IT ENACTED, That the ſaid agent ſhall be allowed for his ſervices the following ſſions, to wit: For all payments actually made to either of the treaſurers in virtue of this act, *r cent.* and for all bonds taken by the ſaid agent in virtue of this act, four *per cent.* Commiſſion allowed.

II. AND BE IT ENACTED, That the ſaid agent, before he enters upon the execution of the of this act, ſhall give bond to the ſtate, before the governor and council, in the penalty thouſand dollars, with ſuch ſecurity as the governor and council ſhall approve, for the faith- formance of the ſaid duties, which bond ſhall be lodged with the treaſurer of the weſtern ſhore, ll alſo take an oath, before the chancellor, that he will well and faithfully diſcharge the s agent, under the act, entitled, An act to appoint an agent for the year one thouſand ſeven d and ninety-nine, to the beſt of his ſkill and judgment; the certificate of which oath ſhall xed to, or endorſed on, the ſaid bond. Agent to give bond, &c.

II. AND BE IT ENACTED, That the agent be and he is hereby authoriſed and directed to col- ſum or ſums of money due from perſons reſidents without the ſtate of Maryland, and, if y, ſue therefor, and he is alſo authoriſed to employ counſel for the recovery of the ſame, and ch fee as he may think reaſonable, and draw on the treaſurer of the weſtern ſhore therefor, hereby authoriſed to pay the amount of ſuch order. And collect ſums due from nonreſidents, &c.

V. AND BE IT ENACTED, That if the ſaid agent ſhall not accept his appointment, or if, s acceptance, he ſhall not give bond and take the oath aforeſaid before the firſt day of Febru- t, or ſhall die, the governor and council are hereby authoriſed and requeſted to appoint a fit per perſon in his place, who ſhall have and execute all the authorities and powers veſted in William Marbury by this act, ſuch perſon firſt giving ſecurity and taking the oath aforeſaid. How a vacancy is to be filled.

CHAP. LX.

ACT to enable the truſtees of Cokeſbury college to diſpoſe of effects of ſaid college for the purpoſe therein mentioned. Lib. . No. 3. fol. 126.

Paſſed 15th of Jan. 1799.

HEREAS it is repreſented to this general aſſembly of Maryland, by the truſtees of Cokeſbu- ry *county*, (a) that owing to the deſtruction of the buildings belonging to ſaid college by fire Preamble.

(a) So in the record.

CHAP. LX.

it has been rendered totally inadequate to the end of its inſtitution, and that there are ſundry ſtanding and unſatisfied claims exiſting againſt the ſaid college, for the payment of which they, ſaid truſtees, are liable: And whereas the ſaid truſtees have prayed that an act may paſs, empowering them to diſpoſe of the effects belonging to ſaid college for the purpoſe of ſatisfying the claims as aforeſaid exiſting againſt it, which appearing to be reaſonable, therefore,

Truſtees may ſell, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the truſtees of Cokeſbury college or a majority of them, be and they are hereby authoriſed and empowered to ſell and diſpoſe of the property, real and perſonal, belonging to the ſaid college, and to apply the money thence ariſing to the payment of debts exiſting againſt ſaid college, any thing in the act * for the incorporation of ſaid college to the contrary notwithſtanding.

* 1794, ch. 26.

CHAP. LXI.

Paſſed 15th of Jan. 1799.

An ACT to empower the levy court of Harford county to aſſeſs and levy a ſum of money for the purpoſe therein mentioned. Lib. JG. No. 3. fol. 126.

Preamble.

WHEREAS Mary Morriſon, of Harford county, by her petition to this general aſſembly hath ſet forth, that ſhe hath a ſiſter, who has for a conſiderable time been afflicted with lunacy, and prays that a law may paſs to provide for her ſupport out of the poor's houſe; therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Harford county be and they are hereby directed and empowered, at their courts annually, as long as they, in their diſcretion, may think proper, to aſſeſs and levy on ſaid county a ſum of money, not exceeding dollars, for the ſupport and maintenance of Elizabeth Morriſon, the ſaid lunatic, and that the ſame ſum be collected and paid annually to the aforeſaid Mary Morriſon, or ſuch other perſon as the levy court may direct, by the collector or collectors of Harford county, for the purpoſes aforeſaid, agreeable to the orders of the levy court of ſaid county.

CHAP. LXII.

An ACT to empower the levy court of Anne-Arundel county to aſſeſs and levy a ſum of money for the purpoſe therein mentioned. Lib. JG. No. 3. fol. 127.

Preamble.

WHEREAS Mary Williams, of Anne-Arundel county, by her petition to this general aſſembly hath ſet forth, that ſhe is ſo far advanced in age as to be rendered incapable of ſupporting herſelf by labour; that the thought of being obliged to go to the poor-houſe, where ſhe muſt ſolitarily ſpend the ſhort evening of her life, is extremely painful to her; and the prayer of the petition appearing reaſonable, therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Anne-Arundel county ſhall be and they are hereby directed and empowered, at their levy courts annually as long as they, in their diſcretion, may think proper, to aſſeſs and levy on ſaid county a ſum of money, not exceeding thirty dollars, for the ſupport and maintenance of the ſaid Mary Williams, and that the ſame ſum be collected and paid to the aforeſaid Mary Williams, by the collector or collectors of Anne-Arundel county, for the purpoſes aforeſaid, agreeable to the order of the levy court of ſaid county.

CHAP. LXIII.

An ACT to prevent the going at large of geeſe and ſwine in the towns of Upper-Marlborough and Nottingham, in Prince-George's county. Lib. JG. No. 3. fol. 128.

No geeſe, &c. to go at large, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and ninety-nine, no geeſe or ſwine ſhall be ſuffered to go at large in the towns of Upper-Marlborough or Nottingham, in Prince-George's county; and if any perſon ſhall find any geeſe or ſwine going at large in the towns of Upper-Marlborough or Nottingham aforeſaid, it ſhall and may be lawful for ſuch perſon to kill, or cauſe to be killed, ſuch geeſe or ſwine.

AND BE IT ENACTED, That if any perſon ſhall be ſued for killing any ſwine or geeſe going ge in the towns of Upper-Marlborough or Nottingham aforeſaid, ſuch perſon may plead the al iſſue, and give this act and the ſpecial matter in evidence. CHAP. LXIII. General iſſue pleadable, &c.

CHAP. LXIV.

ACT for the relief of ſundry inſolvent debtors. Lib. JG. No. 3. fol. 128.

Paſſed 10th of Jan. 1799.

A Supplement ch. 102.

Preamble.

WHEREAS Henry Criſt, of the city of Annapolis, Francis Valderniere, of Montgomery county, Jacob Madairy, of Baltimore county, Thomas Walters, of Dorcheſter county, John Ditz-, of the city of Baltimore, John R. Bryce, of the city of Annapolis, Benjamin Cawood, Cleon ents, Jacob Clements, George C. Smoot, Edward Pye, William Thompſon, James A. Corry, Hepburn, James Brown, Thomas Marſhall and John F. Beall, of Charles county, William e, Adam Brietenoder, William Davis, Edmund Cuſtis, Lewis Hart and Jacob Kuhn, of Balti- county, Elijah Robiſon Sinners, William Jordan, John Wolfenden, John Gannier, John Cur- eton, William Thompſon, Robert Thompſon, Peter Gartz, George Simpſon, Hugh Hales, rt Hales, William Scott, William Dwyer, Daniel Victory, James Buchanan, Charles Young, am Ruſſell, Benjamin Marſhall and Robert Mickle, of the city of Baltimore, Nathan G. Bry- ames Roney, Samuel Poor, Ebenezer Handy and Denwood Turpin, of Somerſet county, Bar- ohnſon, of Thomas, Barnett Johnſon, of Thomas, Harry Gough, Benjamin Preſton, John Lee n and William M'Comas, of Harford county, John Savin, John Makin, Henry Roſe, Jehu David Churchman and Thomas Churchman, of Cæcil county, James Greenleaf, Enos Duvall ſon, John M'Kiver, Joſias Ferguſon, Stewart Williams, Frederick Koones, Middleton Belt, am Lovering, William Prentiſs and John Tilley, of Prince-George's county, Iſaac Kent, of any county, Richard Rocheſter and Emory Sudler, of Queen-Anne's county, John Rigby, nder S. Peter, Thomas Barclay, William Needham, Lloyd Beall, John Beck, Thomas Gerard nd Alexander Bailey, of Montgomery county, William Cooper Bithray, of the city of Anna- Nicholas Lynch, Alexander Lock, of Waſhington county, Nicholas Hauer, ſenior, William rner and John Riley, of Frederick county, John M'Coy and Joſhua Groves, of Anne-Arundel y, Benjamin M. Ward and Jacob Fowle, of Talbot county, Thomas Harwood, of Calvert y, Thomas Mullin, of Kent county, Nathan Breerwood and Joſhua Breerwood, of Dorcheſter y, by their petitions to this general aſſembly have ſet forth, that by reaſon of many misfortunes are unable wholly to ſatisfy their creditors, and have prayed, that they may be diſcharged, their delivering up all their property for the uſe of their creditors; and the prayer of the etitioners being found reaſonable; therefore,

Chancellor, on application, to direct notice, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That on application of either of the ſaid s to the chancellor, by petition in writing, offering to deliver to the uſe of his creditors all roperty, real, perſonal or mixed, to which he is any way entitled, a ſchedule whereof, (on or affirmation, as the caſe may require,) together with a liſt of the creditors of the perſon ſo ng, on oath or affirmation, as far as he can aſcertain them, ſhall be annexed to ſuch petition, hancellor ſhall direct perſonal notice of ſuch application to be given to the creditors, or many of them as can be ſerved therewith, or their agents or attornies, or direct notice of ſuch ation to be inſerted in the public news-papers for ſuch time as he may think proper, which, in f there being a creditor or creditors beyond ſea, ſhall not be leſs than ſix months, and on appearance, or neglect to appear on notice, at the time or times and place appointed, the ellor ſhall adminiſter to the petitioning debtor the following oath, or affirmation, as the nay require: "I, A. B. do ſwear, or ſolemnly, ſincerely and truly declare and affirm, t I will deliver up, convey and transfer, to my creditors, in ſuch manner as the chancellor l direct, all my property that I have, or claim any title to or intereſt in, at this time, and all ts, rights and claims, which I have, or am any way entitled to, in poſſeſſion, remainder or erſion, and that I have not, directly or indirectly, at any time, ſold, conveyed, leſſened or poſed of, for the uſe or benefit of any perſon or perſons, or intruſted, any part of my money, or er property, debts, rights or claims, thereby to defraud my creditors, or any of them, or to re the ſame to receive or expect any profit, benefit or advantage, thereby;" and the chancel- ll thereupon name ſuch perſon as a majority of the creditors in value, their agents or ies, then preſent, ſhall recommend, to be a truſtee for the benefit of the creditors of the ming debtor or in caſe of the non-attendance of the creditors, or of their not making a re- ndation, the chancellor ſhall name ſuch perſon as he ſhall think proper, to be a truſtee as id.

CHAP. LXIV.

No perſon to be entitled to the benefit of this act but a citizen, &c.

III. AND BE IT ENACTED, That no perſon herein before mentioned ſhall be entitled to the be fit of any of the proviſions of this act, unleſs the chancellor ſhall be ſatisfied, by competent teſti ny, that he is, and at the time of the paſſing of this act was, a citizen of the United States, an this ſtate, and unleſs, at the time of preſenting his petition as aforeſaid, he ſhall produce to chancellor the aſſent, in writing, of ſo many of his creditors as have due to them the amou two thirds of the debts due by him at the time of the paſſing of this act; provided, that for creditors, not reſiding in the United States, and not having agents or attornies reſiding therein empowered to act in their behalf, ſhall not be conſidered within the intent and meaning of this cha and provided alſo, that the chancellor may, without the aſſent of the creditors as aforeſaid, time to time order to be diſcharged from cuſtody any of the ſaid petitioners who may be in a confinement in virtue of any proceſs iſſued, or that may be iſſued, in purſuance of any debt at time due and owing by him, which diſcharge is hereby declared to be a releaſe only of the perſo ſuch debtor, but not of his property, unleſs the aſſent in writing of two thirds in value of creditors as aforeſaid be obtained.

Truſtee to give bond, &c.

IV. AND BE IT ENACTED, That before ſuch truſtee proceeds to act, he ſhall give bond for faithful performance of his duty, to ſuch perſon, in truſt for the creditors of ſaid petitio debtor, and in ſuch penalty as the chancellor ſhall direct, which ſhall be recorded in the office of regiſter of the court of chancery, and a copy thereof, certified under the hand of the ſaid reg ſhall be good evidence in any court of law or equity of this ſtate; and if any truſtee, appointe virtue of this act, ſhall refuſe to act, or die, or neglect to give bond as aforeſaid, in a reaſo time to be judged of by the chancellor, or be removed by the chancellor for miſbehaviour, he appoint ſuch other perſon as he ſhall think proper in his place, who ſhall give bond as aforeſaid on giving ſuch bond, (in caſe the ſaid debtor had conveyed his property to the former truſtee ſhall immediately be veſted with all the property of every kind, and all the debts, rights and cr of the ſaid debtor, as completely as the former truſtee was veſted with the ſame.

By ch. 102, if the chancellor is ſatisfied that a truſtee has left the ſtate, and that the creditors are likely to ſuffer, he m application, appoint a perſon to take into his care the property within the ſtate, and retain it till further order, and ma and have publiſhed an order for the truſtee to appear and account, and on default to appoint another in his room.

On executing a deed, debtor to be diſcharged, &c.

V. AND BE IT ENACTED, That upon the ſaid petitioning debtor's executing and acknowled a deed to the truſtee to be appointed as aforeſaid, conveying all his property, real, perſonal mixed, and all debts, rights and claims, agreeably to the oath, or affirmation, of ſuch debtor as a ſaid, and on his delivery to the ſaid truſtee of all his ſaid property which he ſhall have in poſſe and of his books, papers, and evidences of debts of every kind, and the ſaid truſtee's certifying ſame, in writing, to the chancellor, it ſhall be lawful for the chancellor to order that the ſaid de ſhall be diſcharged from all debts, covenants, contracts, promiſes and agreements, due from, or o or contracted by, him, before the date of the ſaid deed, and by virtue of ſuch order the debtor ſhall be diſcharged as aforeſaid; provided, that no perſon who has been guilty of a breac the laws, and hath been fined, or is liable to be fined, for ſuch breach, ſhall be diſcharged from payment of any fine incurred for any breach of the laws of this ſtate; and provided, that property which he ſhall thereafter acquire by gift, deſcent, or in his own right by bequeſt, viſe, or in any courſe of diſtribution, ſhall be liable to the payment of the ſaid debt; and prov that the diſcharge of ſuch debtor ſhall not operate ſo as to diſcharge any other perſon from debt.

May retain his apparel.

VI. AND BE IT ENACTED, That the chancellor may allow ſuch petitioning debtor to retain neceſſary wearing apparel of himſelf and family.

Truſtee may be directed to ſell, &c.

VII. AND BE IT ENACTED, That the chancellor may direct any truſtee to be appointed by vi of this act to ſell and convey the property conveyed to him by the petitioning debtor, at ſuch t and on ſuch terms and conditions, as he ſhall think moſt for the advantage of the creditors, and produce thereof, after ſatisfying all incumbrances and liens, ſhall be divided among the ſaid ditors, agreeably to their ſeveral and reſpective claims; but no judgment to be rendered after paſſage of this act againſt any of the ſaid debtors who ſhall take advantage of this act, be a lien on his real property, nor ſhall any proceſs againſt his real or perſonal property have effect thereon, except writs of *fieri facias* actually and *bonâ fide* laid before the paſſing of this act.

And may ſue, &c.

VIII. AND BE IT ENACTED, That any truſtee may ſue for, in his own name, and recover, property or debts aſſigned to him by any debtor in virtue of this act.

IX.

CHAP. LXIV.

When fraud is alleged, debtor may be examined, &c.

. AND BE IT ENACTED, That if any creditor, on the application of any ſuch debtor to the cellor, or within two years thereafter, ſhall allege, in writing, to the chancellor, or to the al court of the ſhore, or the county court of the county, where ſuch debtor ſhall reſide, that ſuch r hath directly or indirectly ſold, conveyed, leſſened, or otherwiſe diſpoſed of, or purchaſed, in for himſelf, or any of his family or relations, or any other perſon or perſons, intruſted or con- d, any part of his property of any kind, or any part of his debts, rights or claims, thereby to ve or defraud his creditors, or any of them, or to ſecure the ſame, or to receive or expect any or advantage thereby, or that he has paſſed bonds, or other evidences of debts, either with- conſideration or on improper conſideration, or loſt more than one hundred pounds current money ming at any one time, or hath aſſigned or conveyed any of his property with intent to give due and improper preference to any creditor or creditors, or ſecurity, within two years before aſſage of this act, the ſaid chancellor, or court, may thereupon, at the election of the creditor g ſuch allegation, either examine the ſaid debtor, and any perſon or perſons to whom he have made any conveyance or conveyances of his property, or paſſed bonds or evidences of as aforeſaid, on interrogatories, on oath or affirmation, touching the ſubject of the ſaid allega- , or direct an iſſue or iſſues, in a ſummary way, without the form of an action, to determine the of the ſame; and if, upon the anſwer of the ſaid interrogatories, or the trials of the ſaid iſſue ues by a jury, ſuch debtor ſhall be found guilty of any fraud or deceit of his creditors, or loſs ming as aforeſaid, or of having given preference as aforeſaid, he ſhall be for ever pre- d from any benefit of this act; and in caſe ſuch debtor, or other perſon, ſhall, at any time after, upon any indictment, be convicted of wilfully, falſely and corruptly, ſwearing or affirm- o any matter or thing to which he ſhall ſwear or affirm by virtue of this act, he ſhall ſuffer the caſe of wilful and corrupt perjury, and be for ever debarred from any benefit of this act.

Chancellor may allow a commiſſion, &c.

. AND BE IT ENACTED, That the chancellor may allow any truſtee to be appointed by virtue is act ſuch commiſſion for his trouble as he ſhall think reaſonable, not exceeding eight *per cent.* f any complaint ſhall be made to the chancellor of the conduct of any truſtee, by any creditor eſted in the diſtribution of any eſtate, the chancellor may call ſuch truſtee before him, and in- into the cauſe of complaint in a ſummary way, and make ſuch rules and orders as ſhall be d neceſſary for the accompliſhment of the object of the truſt, and puniſh the ſaid truſtee, as for tempt, in caſe of his not obeying the ſame, and, if he thinks it neceſſary, he may remove the ruſtee, and appoint another perſon in his place.

And order impriſoned debtors to be brought before him, &c.

. AND BE IT ENACTED, That if any debtor, who ſhall petition the chancellor in virtue of this hall be impriſoned at the time of exhibiting ſuch petition, it ſhall be lawful for the chancellor der the ſheriff in whoſe cuſtody he ſhall be, to bring him before him, at a certain time by him e ſaid order to be appointed, for the purpoſe of taking the oath or affirmation herein before oned; and the ſaid ſheriff ſhall obey the ſaid order, and ſhall be entitled to a preference, after iſcharge of all liens on the ſaid debtor's eſtate, to all other creditors, in the payment of his nt againſt the ſaid debtor for legal fees of impriſonment, and his reaſonable expences in carry- he ſaid debtor to the chancellor in obedience to his order as aforeſaid, any thing in this act to ontrary notwithſtanding; and in caſe ſuch impriſoned debtor ſhall have any creditors beyond ſea, hancellor may, in his diſcretion, order the ſheriff to bring the ſaid debtor before him at ſuch as he thinks proper, and on his taking the oath herein before mentioned, may direct that ody of ſuch debtor ſhall be diſcharged from impriſonment, and appoint a time when ſuch debtor appear before him to anſwer any interrogatories which his creditors may propoſe to him, t leſs than ſix months notice as aforeſaid, any thing in this act to the contrary notwithſtanding; ded, that ſuch diſcharge from impriſonment ſhall not operate as a diſcharge of any of the debts of id impriſoned debtor; and provided, that the ſaid impriſoned debtors, at the time of their diſ- e, if required by the chancellor, ſhall enter into bond, with ſuch penalty, and with ſecurity, as ancellor ſhall direct and approve, conditioned for the perſonal appearance, at ſuch time or times ſaid chancellor ſhall direct, to anſwer the allegations of their creditor or creditors, according proviſions aforeſaid; and if the ſaid debtors ſhall not enter into bond as aforeſaid, if required e chancellor, then ſuch debtors ſhall remain in confinement until their application, (if objected hall be decided on.

Judge, &c. on E. ſhore may order the ſheriff, &c.

I. AND BE IT ENACTED, That in caſe any perſon named in this act may be impriſoned in any on the eaſtern ſhore, it ſhall be lawful for the judge of the diſtrict, or any aſſociate juſtice of the y, on the application of ſuch perſon, at any time before the firſt day of September next, to order heriff in whoſe cuſtody he may be to bring the ſaid perſon immediately before him, for the ſe of taking the oath, or affirmation, if required, for delivering up his property to his credi-

tors;

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tors; and if the ſaid perſon, ſo brought before the judge or juſtice, ſhall produce a petition to the chancellor, with a ſchedule of his whole property, and a liſt of his creditors, on oath, as herein required, thereto annexed, and alſo the aſſent of two thirds of his creditors, and ſhall, before the ſaid judge or juſtice, take the oath required for delivering up his property for the uſe of his creditors, it ſhall be lawful for the ſaid judge or juſtice to order that the ſaid perſon be diſcharged from impriſonment, and appear before the chancellor within three months from the time of ſuch diſcharge; and if ſuch order ſhall be made, the ſaid judge or juſtice ſhall tranſmit the ſaid petition and aſſent of his creditors, in writing as aforeſaid, with the ſchedule and liſt, on oath as aforeſaid, annexed, to the chancellor; provided nevertheleſs, that if the ſaid perſon, ſo diſcharged from impriſonment, ſhall not appear before the chancellor agreeably to the ſaid order, it ſhall be lawful for any judge or juſtice, on application of the party at whoſe ſuit the ſaid perſon was impriſoned, and on his producing a certificate from the regiſter in chancery, that ſuch perſon hath not appeared before the chancellor agreeably to the ſaid order, to remand the ſaid perſon to the priſon from which he was diſcharged, there to remain until diſcharged by a due courſe of law; and provided always, that if any creditor of any petitioning debtor in any of the gaols on the eaſtern ſhore ſhall require ſecurity of the petitioner, that the judge or juſtice aforeſaid ſhall not releaſe any petitioner, until he or they ſhall give ſuch ſecurity as the judge or juſtice ſhall require for his appearance before the chancellor within three months from the date of his diſcharge as aforeſaid; provided nevertheleſs, that as to all and every perſon or perſons included in this act, who have been engaged in trade or merchandiſe, it ſhall not be neceſſary for them, or either of them, to procure the aſſent of their creditors, or any part of them as aforeſaid, but if ſo many of his or their creditors as have due them the amount of one ſixth of the debts due by him or them at the time of paſſing this act, ſhall not lodge with the chancellor their diſſent in writing to ſuch debtor or debtors being admitted to the benefit of this act, on or before the expiration of ſix months after the ſaid notice ſhall be given or publiſhed as aforeſaid, ſuch debtor or debtors ſhall be entitled to all and every benefit of this act, in as full and ample manner as if ſuch debtor or debtors had procured the aſſent of two thirds of his or their creditors as aforeſaid; provided alſo, that in ſuch notice it ſhall be ſtated, that the debtor or debtors make their application as traders or merchants.

Chancellor may limit the time, &c.

XIII. AND BE IT ENACTED, That the chancellor may, by order, limit and appoint the time for creditors to bring in and declare their claims, and may examine ſuch creditors, and alſo the debtor on oath or affirmation, concerning the ſame, and, on any conteſted claim, may, if he thinks proper, order the ſame, or any fact concerning the ſame, to be tried on an iſſue framed for that purpoſe, and may order any part of the petitioning debtor's eſtate to be ſet apart and retained for the event or ſatisfaction of any conteſted claim, or to be brought again into diſtribution; and if any creditor to whom a real debt is due, ſhall collude with the debtor to gain an undue preference in the ſatisfaction of his debt, or for concealment of any part of the debtor's eſtate or effects, or ſhall contrive or concert any acknowledgment of the debtor, by parole, or in writing, or any kind of ſecurity, to give a falſe colour to his claim for more than is *bonâ fide* due, ſuch creditor ſhall loſe his debt truly due, and ſhall be totally excluded in the diſtribution.

Debtors arreſted may be diſcharged, &c.

XIV. AND BE IT ENACTED, That if the ſaid debtors, or any of them, ſhall be arreſted or impriſoned on any proceſs ſued out on any judgment or decree obtained againſt them, or any of them, for any debt, damages or coſts, contracted, owing or growing due, before the paſſing of this act, the court, out of which ſuch proceſs iſſued, or any one judge of the general court, or the chief juſtice of the diſtrict court, or the two aſſociate juſtices of the county court of the county where the ſaid debtor may be arreſted or impriſoned, on application made to them, ſhall and may diſcharge the ſaid debtor on motion; and if the ſaid debtors, or any of them, ſhall be arreſted or impriſoned on any proceſs for the recovery of any debt, damages or coſts, contracted, owing or growing due, before the paſſing of this act, the court, before whom ſuch proceſs ſhall be returned, ſhall and may diſcharge ſuch debtor or debtors out of cuſtody on his common appearance being entered, without any ſpecial bail; provided, that the diſcharge of ſuch debtor or debtors ſhall not acquit any other perſon liable for ſuch debt, damages or coſts, or any part thereof, but that all ſuch perſons ſhall be anſwerable for the ſame in ſuch manner as they were before the paſſing of this act.

Proceedings to be recorded, &c.

XV. AND BE IT ENACTED, That all proceedings in chancery under this act ſhall be recorded by the regiſter, who ſhall be entitled to the ſame fees as are fixed by law for ſervices in other caſes, which ſhall be paid at the time of obtaining the diſcharge.

Creditors to be conſulted, &c.

XVI. AND BE IT ENACTED, That in all appointments of truſtees under this act by the chancellor, in the room of any perſon before appointed, the chancellor ſhall conſult the creditors, &c.

rn himſelf by the choice of a majority of them in value, unleſs upon notice being given by public rtiſement, or in ſuch manner as he ſhall think reaſonable, the ſaid creditors ſhall neglect to ſuch choice.

VII. AND BE IT ENACTED, That none of the ſaid debtors, who do not make application as ſaid on or before the firſt day of September next, ſhall have any benefit of this act. Time limitted.

VIII. AND, whereas Elkin Solomon, of the city of Baltimore, by his petition has ſet forth, he is unable to pay debts which he owed before the ſeventeenth day of May, ſeventeen hundred inety-four, and that he has been impriſoned, and is ſtill liable to be impriſoned for the ſame: whereas many of his creditors have recommended him to the clemency of the legiſlature; there- BE IT ENACTED, That the ſaid Elkin Solomon ſhall have the benefit of this act, in full diſ- e of all debts, covenants, promiſes and agreements, due from or owing by him before the ſaid teenth day of May, ſeventeen hundred and ninety-four, upon the ſame conditions and reſtric- and under and ſubject to the ſame penalties for any breach of any matter or thing impoſed or ed by this act. E. Solomon to have the benefit of this act, &c.

CHAP. LXV.

ACT reſpecting the criminal buſineſs of the city and county of Baltimore. Lib. JG. No. 3. 138. Paſſed 10th of Jan. 1799.

Repealed from the 30th of January, 1800, by 1799, ch. 58.

CHAP. LXVI.

ACT to repeal certain clauſes in the act, * entitled, An act for he better adminiſtration of juſtice in teſtamentary affairs, granting dminiſtrations, recovery of legacies, ſecuring filial portions and diſ- ribution of inteſtates eſtates, as alſo in the act, † entitled, An ad- itional and ſupplementary act to the ſeveral acts for the admini- ration of juſtice in teſtamentary affairs. Lib. JG. No. 3. fol. 140. Paſſed 16th of Jan. 1799. * 1715, ch. 39. † 1729, ch. 24.

WHEREAS ſubſtantial juſtice and ſound policy require that every peaceable denomination of chriſtians ſhould equally enjoy the bleſſings of a free government, ſecured by the united ef- of all, and that no diſcriminations ſhould ſubſiſt whereby a citizen of one religious denomina- s precluded from the enjoyment of any civil right and advantage of any other religious denomi- n: And whereas it appears to have been the true meaning and intent of the founders of the ration of rights, and form of government, to aboliſh all odious and injurious diſtinctions, but s are entertained whether or not any thing contained in the ſaid declaration, or form, be ſuffi- to abrogate, repeal or annul, the tenth clauſe or article in an act, entitled, An act for the bet- dminiſtration of juſtice in teſtamentary affairs, granting adminiſtrations, recovery of legacies, ing filial portions and diſtribution of inteſtates eſtates, and the twelfth and thirteenth articles auſes in an act, entitled, An additional and ſupplementary act to the ſeveral acts for the admi- tion of juſtice in teſtamentary affairs; Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid tenth clauſe, article or n, of an act, entitled, An act for the better adminiſtration of juſtice in teſtamentary affairs, ing adminiſtrations, recovery of legacies, ſecuring filial portions and diſtribution of inteſtates s, paſſed at a ſeſſion of aſſembly in the year ſeventeen hundred and fifteen, and alſo the twelfth hirteenth clauſes, articles or ſections, of an act, entitled, An additional and ſupplementary act e ſeveral acts for the adminiſtration of juſtice in teſtamentary affairs, paſſed at a ſeſſion of aſſem- n the year ſeventeen hundred and twenty-nine, be, and are hereby declared to be, repealed, ated, and henceforth to all intents and purpoſes null and void. Clauſes repealed.

CHAP. LXVII.

ACT to authoriſe a lottery to raiſe a ſum of money to clear out he creeks leading to and from Upper-Marlborough and Queen- nne, in Prince-George's county. Lib. JG. No. 3. fol. 141. Paſſed 15th of Jan. 1799.

WHEREAS it has been repreſented to this general aſſembly, by the petition of ſundry inhabi- tants of Prince-George's county, that the creeks leading to and from Upper-Marlborough and Preamble.

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and Queen-Anne, in Prince-George's county, are much filled up, whereby the trade to said places materially injured, and it is prayed that a law may pass authorising a lottery for the purpose of cle ing out said creeks; therefore,

A scheme may be proposed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That it shall and may be lawful for D Crawford, Thomas Duckett, Samuel Hepburn, Thomas Lansdale, John Read Magruder, sen Samuel Tyler, senior, Jacob Duckett, Charles Clagett, John Hodges, of Thomas, and Rich Wells Brashears, or a majority of them, to propose a scheme or schemes of a lottery for raisi sum of money, not exceeding three thousand dollars, and to sell and dispose of the tickets ther provided the said David Crawford, Thomas Duckett, Samuel Hepburn, Thomas Lansdale, J Read Magruder, senior, Samuel Tyler, senior, Jacob Duckett, Charles Clagett, John Hodges, Thomas, and Richard Wells Brashears, or such majority of them as shall undertake to act under law, do, before the sale or disposal of any ticket or tickets in said lottery, give their bond to state of Maryland, in the penalty of twenty thousand dollars, conditioned that they will well truly apply so much of the money arising therefrom, within three months after the drawing of lottery, as will satisfy the fortunate adventurer for prizes drawn by them, and after deducting necessary expences incurred in said lottery, shall, within twelve months from the drawing of lottery, have the said creeks cleared out in the best manner the sum of money raised by this lott will admit, not appropriating more than a just proportion of such money to the clearing out of creeks leading to each place.

Bond to be lodged, &c.

III. AND BE IT ENACTED, That it shall be the duty of said commissioners, before they act such, to lodge such bond in the clerk's office of Prince-George's county, there to be recorded, upon such bonds, or any office copy thereof, suit or suits may be instituted against the obligors th in, or any of them, or their legal representatives, for any breach or non-compliance with the c dition of the same.

Penalty for proceeding before entering into bond.

IV. AND BE IT FURTHER ENACTED, That if any of said commissioners shall proceed to act such before they enter into bond as aforesaid, in the penalty as aforesaid, he or they shall be subj to a penalty, not exceeding one hundred pounds for every such offence, to be recovered of him them by a presentment in Prince-George's county court.

CHAP. LXVIII.

Passed 15th of Jan. 1799.

An ACT to authorise and empower the levy court of Anne-Arund county to assess and levy a sum of money annually for the purpo therein mentioned. Lib. JG. No. 3. fol. 142.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of Susanna Purdy, Anne-Arundel county, that she is a very poor woman, the mother of a helpless daughter cripple, who is entirely without the use of her limbs, and praying that a law may pass, authori the justices of the levy court to levy annually a sum of money for her support out of the poor's hou and the prayer of the petitioner appearing reasonable, therefore,

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy court Anne-Arundel county be and they are hereby authorised and empowered to levy annually the sum thirty dollars on said county for the support and maintenance of Susanna Purdy, and that the sa be collected and paid to the said Susanna Purdy by the collector or collectors of Anne-Arundel co ty, agreeably to the order of the levy court aforesaid.

CHAP. LXIX.

An ACT to authorise Richard Tilghman, William Hopper, Thom Wright, of Thomas, and Thomas J. Seth, of Queen-Anne's cou ty, to raise by lottery a sum of money for the purposes there mentioned. Lib. JG. No. 3. fol. 143.

Preamble.

WHEREAS Richard Tilghman, William Hopper, Thomas Wright, of Thomas, and Thom J. Seth, by their petition to this general assembly have set forth, that they, with other p sons, composed the vestry of Saint-Paul's parish, lying partly in Queen-Anne's county and partly Talbot county, from the year seventeen hundred and sixty-five to the year seventeen hundred a seven

ty-six, and that large sums of tobacco were ordered by the legislature of their province to be d on the inhabitants of the said parish for the purpose of building a new church and repairing hapel; that the sums so levied were found insufficient to accomplish the objects contemplated, he vestry, under an impression that the legislature would order new sums to be levied for the se of reimbursing them, borrowed, on their own private account, considerable sums of money, were expended in completing the said buildings: And whereas it appears, by an account laid the legislature, that the said parish stands indebted to the said vestry for money by them lly expended, over and above the sums levied and voluntarily contributed, in the full sum of housand nine hundred and eleven pounds, including interest: And whereas justice demands he said sum of money should be reimbursed to the petitioners, and no plan so eligible as that of ery offers itself for the attainment of this end; therefore,

A scheme may be proposed, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That Richard Tilghman, William Hop- Thomas Wright, of Thomas, and Thomas J. Seth, of Queen-Anne's county, or any three of may and they are hereby authorised to propose a scheme or schemes of a lottery for raising m of three thousand pounds current money, and to sell and dispose of the tickets thereof to erson or persons whatsoever, any law to the contrary notwithstanding; provided, that before ing the said scheme or schemes, the said Richard Tilghman, William Hopper, Thomas ht, of Thomas, and Thomas J. Seth, or any three of them, give their joint and several bond e state of Maryland, in the penalty of twenty thousand pounds, with a condition that they will nd truly pay, or cause to be paid, within three months after the drawing the said lottery, to rtunate adventurers, such prizes, if demanded, as may be drawn by them, with such deductions the said prizes as shall be mentioned in the said scheme or schemes to be proposed as aforesaid.

Money may be appropriated, &c.

AND BE IT ENACTED, That the said Richard Tilghman, William Hopper, Thomas Wright, homas, and Thomas J. Seth, may and they are hereby authorised and allowed to appropriate id sum of three thousand pounds to their own use, in fair and just proportions, according to veral sums by them expended in manner aforesaid.

CHAP. LXX.

Passed 16th of Jan. 1799.

ACT to repeal part of an act, entitled, A supplement to the act for the establishment and regulation of levy courts in the several counties of this state. Lib. JG. No. 3. fol. 144.

Preamble. * Chapter 34.

WHEREAS by an act,* entitled, A supplement to the act for the establishment and regulation of levy courts in the several counties of this state, passed at this present session of assembly, enacted, that no member of the general assembly, nor commissioner of the tax, shall be appointed ice of the levy court under said act: And whereas exclusions from office ought not to be intro- further than public utility may absolutely require,

Parts of an act repealed.

BE IT ENACTED, *by the General Assembly of Maryland*, That so much of the said act as provides o member of the general assembly, or commissioner of the tax, shall be appointed a justice of vy court under said act, be and the same is hereby repealed and made void and of no effect, hing in the said act contained to the contrary notwithstanding.

CHAP. LXXI.

Passed 18th of Jan. 1799.

ACT to make permanent and to continue the act of assembly herein mentioned. Lib. JG. No. 3. fol. 145.

Several acts continued, &c.

IT ENACTED, *by the General Assembly of Maryland*, That an act, entitled, An act for the more effectual punishment of certain offenders, and for taking from them the benefit of clergy, passed pril session, one thousand seven hundred and thirty-seven, (a) shall be and hereby is enacted permanent law; that an act, entitled, An act for the gauge of barrels for pork, beef, pitch, urpentine, and tare of barrels for flour or bread, passed at August session, one thousand seven ed and forty-five, (b) shall be and is hereby continued until the thirtieth day of October, en hundred and five, and to the end of the next session of assembly which shall happen there- that an act, entitled, An act to prevent certain evils and inconveniencies attending the sale ong liquors, and running of horse-races, near the yearly meetings of the people called Quakers, prevent the tumultuous concourse of negroes and other slaves during the said meetings, passed

(a) April, 1737, ch. 2. (b) 1745, ch. 15.

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at May ſeſſion, one thouſand ſeven hundred and forty-ſeven, (c) ſhall be and is hereby enacted i
a permanent law; that an act, entitled, An additional ſupplementary act to the act, entitled,
act relating to ſervants and ſlaves, paſſed at May ſeſſion, one thouſand ſeven hundred and fo
eight, (d) ſhall be and hereby is enacted into a permanent law; that an act, entitled, An ac
enable the ſeveral and reſpective county clerks within this province to remove ſome of the co
records and papers from the public offices, paſſed at May ſeſſion, one thouſand ſeven hundred
forty-eight, (e) ſhall be and hereby is enacted into a permanent law; that an act, entitled, An
to remedy ſome evils relating to ſervants, paſſed at May ſeſſion, one thouſand ſeven hundred
fifty, (f) ſhall be and hereby is enacted into a permanent law; that an act, entitled, An act to
the teſtimony of convicted perſons legal againſt convicted perſons, paſſed at May ſeſſion, one th
ſand ſeven hundred and fifty-one, (g) ſhall be and hereby is continued until the thirtieth d
October, eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall
pen thereafter; that an act, entitled, An act for the more effectual puniſhment of negroes and o
ſlaves, and for taking away the benefit of clergy from certain offenders, and a ſupplementary a
an act, entitled, An act to prevent the tumultuous meeting and other irregularities of negroes
other ſlaves, and directing the manner of trying ſlaves, paſſed at May ſeſſion, one thouſand ſe
hundred and fifty-one, (h) ſhall be and hereby is enacted into a permanent law; that an act, enti
An act for the relief of ſuch perſons as cannot find ſurety for their appearance to teſtify as a wi
againſt any perſon arreſted, accuſed or proſecuted, for any criminal matter, paſſed at June ſe
one thouſand ſeven hundred and fifty-two, (i) ſhall be and hereby is enacted into a permanent
that an act, entitled, An act to amend and explain an act, entitled, An act to prevent certain
and inconveniencies attending the ſale of ſtrong liquors, and running of horſe-races, near the y
meetings of the people called Quakers, and to prevent the tumultuous concourſe of negroes
other ſlaves during the ſaid meetings, paſſed at June ſeſſion, one thouſand ſeven hundred and
two, (k) ſhall be and hereby is enacted into a permanent law; that an act, entitled, An a
repairing the public roads in this province, paſſed at October ſeſſion, one thouſand ſeven hu
and fifty-three, (l) and a ſupplementary act thereto, paſſed at February ſeſſion, one thouſand
hundred and fifty-ſix, (m) ſhall be and hereby are continued until the thirtieth day of Oc
eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall happen
after; that an act, entitled, An act for the preſervation of the breed of fiſh, paſſed at May ſe
one thouſand ſeven hundred and ſixty-eight, (n) ſhall be and hereby is enacted into a permanent
that an act, entitled, An act to eſtabliſh a market in Frederick-town, in Frederick county, a
the regulation of the ſaid market, paſſed at November ſeſſion, one thouſand ſeven hundred
ſeventy, (o) ſhall be and hereby is continued until the thirtieth day of October, eighteen hu
and five, and to the end of the next ſeſſion of aſſembly which ſhall happen thereafter; that a
entitled, An act to prevent the exportation of flour not merchantable from George-town, in F
rick county, paſſed at October ſeſſion, one thouſand ſeven hundred and ſeventy-one, (p) ſhall be
hereby is continued until the thirtieth day of October, eighteen hundred and five, and to the e
the next ſeſſion of aſſembly which ſhall happen thereafter; that an act, entitled, An act fo
amendment of the law, paſſed at November ſeſſion, one thouſand ſeven hundred and ſeve
three, (q) and the ſupplementary act thereto, paſſed at October ſeſſion, one thouſand ſeven hu
and ſeventy-eight, (r) ſhall be and hereby are enacted into permanent laws; that an act, enti
An act for the relief of inſolvent debtors, paſſed at March ſeſſion, one thouſand ſeven hundred
ſeventy-four, (s) alſo a ſupplement thereto, paſſed at November ſeſſion, one thouſand ſeven hu
and ninety-two, (t) alſo a further ſupplement thereto, paſſed at November ſeſſion, one thouſand
hundred and ninety-ſeven, (u) ſhall be and hereby are continued until the thirtieth day of Oc
eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall happen
after; that an act, entitled, An act relating to the eſtates of deceaſed perſons, paſſed at Nove
ſeſſion, one thouſand ſeven hundred and ſeventy-nine, (v) ſhall be and hereby is continued unt
thirtieth day of October, eighteen hundred and five, and to the end of the next ſeſſion of aſſe
which ſhall happen thereafter; that an act, entitled, An act for the regulation of officers fees,
at November ſeſſion, one thouſand ſeven hundred and ſeventy-nine, (w) alſo an act to contin
act, entitled, An act for the regulation of officers fees, and for other purpoſes, paſſed at Oc
ſeſſion, one thouſand ſeven hundred and eighty, (x) and alſo an act paſſed at November ſeſſion,
thouſand ſeven hundred and ninety, (y) entitled, An act to continue the acts of aſſembly th
mentioned, ſo far as the ſame relates to poundage fees allowed to ſheriffs, ſhall be and hereby
continued until the thirtieth day of October, eighteen hundred and five, and to the end of the
ſe

(c) 1747, ch. 17. (d) 1748, ch. 19. (e) 1748, ch. 7. (f) 1750, ch. 5. (g) 1751, ch. 11. (h) 1751,
(i) 1752, ch. 13. (k) 1752, ch. 14. (l) 1753, ch. 16. (m) February, 1756, ch. 12. (n) 1768,
(o) November, 1770, ch. 4. (p) 1771, ch. 15. (q) November, 1773, ch. 7. (r) October, 1778,
(s) 1774, ch. 28. (t) November, 1792, ch. 51. (u) 1797, ch. 117. (v) November, 1779,
(w) November, 1779, ch. 25. (x) October, 1780, ch. 23. (y) 1790, ch. 59.

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n of aſſembly which ſhall happen thereafter; that an act, entitled, An act to declare what gn gold and ſilver coin ſhall be deemed the current money of the ſtate, paſſed at November n, one thouſand ſeven hundred and eighty-one, (z) ſhall be and hereby is continued until the ieth day of October, eighteen hundred and five, and to the end of the next ſeſſion of aſſembly h ſhall happen thereafter; that an act, entitled, An act to aſcertain officers fees in ſpecial s, paſſed at May ſeſſion, one thouſand ſeven hundred and eighty-one, (a) ſhall be and hereby is nued until the thirtieth day of October, eighteen hundred and five, and to the end of the next n of aſſembly which ſhall happen thereafter; that an act, entitled, An act to regulate public s, paſſed at November ſeſſion, one thouſand ſeven hundred and eighty-one, (b) and alſo a ſup- ent thereto, paſſed at April ſeſſion, one thouſand ſeven hundred and eighty-two, (c) and alſo ditional ſupplement thereto, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety- (d) ſhall be and hereby are continued until the thirtieth day of October, eighteen hundred and and to the end of the next ſeſſion of aſſembly which ſhall happen thereafter; that an act, enti- An act to enable the corporation of the city of Annapolis to lay a tax on property within the city and the precincts, to regulate and licenſe ordinaries and retailers of ſpirituous liquors in the ſaid city and the precincts thereof, paſſed at November ſeſſion, one thouſand ſeven hun- and eighty-four, (e) ſhall be and hereby is continued until the thirtieth day of October, een hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall happen there- ; that an act, entitled, An act concerning juriſdiction, paſſed at November ſeſſion, one thou- ſeven hundred and eighty-five, (f) ſhall be and hereby is continued until the thirtieth day of ber, eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall happen after; that an act, entitled, An act to enable the governor to iſſue commiſſions of oyer and iner and gaol delivery in certain caſes, paſſed at November ſeſſion, one thouſand ſeven hundred ighty-ſeven, (g) ſhall be and is hereby enacted into a permanent law; that an act, entitled, An eſpecting the continuance of civil ſuits in the general and county courts, paſſed at November n, one thouſand ſeven hundred and eighty-ſeven, (h) and a ſupplement to an act, entitled, An eſpecting the continuance of civil ſuits in the general and county courts, paſſed at November n, one thouſand ſeven hundred and ninety-four, (i) ſhall be and hereby are continued until the ieth day of October, eighteen hundred and five, and to the end of the next ſeſſion of aſſembly h ſhall happen thereafter; that an act, entitled, An act to prevent the inconveniencies ariſing ſlaves being permitted to act as free, paſſed at April ſeſſion, one thouſand ſeven hundred and y-ſeven, (k) ſhall be and hereby is continued until the thirtieth day of October, eighteen hun- and five, and to the end of the next ſeſſion of aſſembly which ſhall happen thereafter; that an entitled, An act to encourage the deſtroying of wolves, paſſed at November ſeſſion, one thou- ſeven hundred and eighty-eight, (l) ſhall be and hereby is continued until the thirtieth day of ber, eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall hap- hereafter; that an act, entitled, An act to repeal part of an act, entitled, An act for the better niſtration of juſtice, &c. paſſed at November ſeſſion, one thouſand ſeven hundred and eighty- , (m) ſhall be and hereby is continued until the thirtieth day of October, eighteen hundred and and to the end of the next ſeſſion of aſſembly that ſhall happen thereafter; that an act, entitled, ct to regulate the inſpection of tobacco, paſſed at November ſeſſion, one thouſand ſeven hundred ighty-nine, (n) as alſo the ſupplements thereto, paſſed at November ſeſſion, one thouſand ſeven red and ninety, (o) as alſo a further ſupplement thereto, paſſed at November ſeſſion, one thou- ſeven hundred and ninety-one, (p) as alſo the further ſupplement thereto, paſſed at November n, one thouſand ſeven hundred and ninety-three, (q) as alſo the further ſupplement thereto, d at November ſeſſion, one thouſand ſeven hundred and ninety-five, (r) ſhall be and hereby are nued until the thirtieth day of October, eighteen hundred and five, and to the end of the next n of aſſembly that ſhall happen thereafter; that an act, entitled, (s) An act for the ſpeedy con- nce of public letters and packets, and for other purpoſes, and the ſupplement thereto, paſſed at ember ſeſſion, ſeventeen hundred and ninety-one, (t) ſhall be and are hereby enacted into per- nt laws; that an act, entitled, An act to eſtabliſh a third inſpection of tobacco in George-town, ontgomery county, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety, (u) ſhall nd hereby is continued until the thirtieth day of October, eighteen hundred and five, and to nd of the next ſeſſion of aſſembly which ſhall happen thereafter; that an act, entitled, An act he ſpeedy recovery of ſmall debts out of court, and to repeal the acts of aſſembly therein men- d, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-one, (v) ſhall be and by is continued until the thirtieth day of October, eighteen hundred and five, and to the end of

(z) November, 1781, ch. 16. (a) May, 1781, ch. 24. (b) November, 1781, ch. 22. (c) April, 1782, ch. 31.
(d) 1791, ch. 65. (e) 1784, ch. 49. (f) 1785, ch. 87. (g) November. 1787, ch. 1. (h) November, 1787, ch. 9.
(i) 1794, ch. 6. (k) April, 1787, ch. 33. (l) November, 1788, ch. 4. (m) November, 1788, ch. 27.
(n) 1789, ch. 26. (o) 1790, ch. 55, 57. (p) 1791, ch. 61. (q) 1793, ch. 47. (r) 1795, ch. 71.
(s) 1790, ch. 51. (t) 1791, ch. 20. (u) 1790, ch. 30. (v) 1791, ch. 68.

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the next ſeſſion of aſſembly which ſhall happen thereafter; that an act, entitled, An additi ſupplementary act to the act, entitled, An act to eſtabliſh orphans courts in the ſeveral counties this ſtate, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-one, (w) ſhall be hereby is continued until the thirtieth day of October, eighteen hundred and five, and to the of the next ſeſſion of aſſembly which ſhall happen thereafter; that an act, entitled, An act reſpec the equity juriſdiction of the county courts, paſſed at November ſeſſion, one thouſand ſeven hun and ninety-one, (x) and a ſupplement thereto, paſſed at November ſeſſion, one thouſand ſeven dred and ninety-two, (y) ſhall be and hereby are continued until the thirtieth day of Octo eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall happen th after; that an act, entitled, An act for the prevention of lotteries, paſſed at November ſeſſion, thouſand ſeven hundred and ninety-two, (z) ſhall be and hereby is enacted into a permanent that an act, entitled, An act to alter the mode of collecting the county tax in Harford county, p at November ſeſſion, one thouſand ſeven hundred and ninety-four, (a) ſhall be and hereby is ena into a permanent law; that an act, entitled, An act for the deſtruction of crows, paſſed at Nov ber ſeſſion, one thouſand ſeven hundred and ninety-five, (b) ſhall be and hereby is continued the thirtieth day of October, eighteen hundred and five, and to the end of the next ſeſſion of a bly which ſhall happen thereafter; that an act relating to public roads in this ſtate, and to re the acts of aſſembly therein mentioned, paſſed at November ſeſſion, one thouſand ſeven hundred ninety-four, (c) and the ſeveral ſupplements thereto, (d) ſhall be and are hereby continued until thirtieth day of October, eighteen hundred and five, and until the next ſeſſion of aſſembly w ſhall happen thereafter; that an act, entitled, An act to eſtabliſh and regulate the market-hou the town of Cumberland, in Allegany county, paſſed at November ſeſſion, one thouſand ſeven dred and ninety-five, (e) ſhall be and hereby is continued until the thirtieth day of October, eig hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall happen thereafter; an act, entitled, An act to increaſe the allowance of the juſtices of the orphans courts, the miſſioners of the tax, and the clerk to the commiſſioners, in the ſeveral counties of this ſtate, p at November ſeſſion, one thouſand ſeven hundred and ninety-ſix, (f) ſhall be and hereby is cont until the thirtieth day of October, eighteen hundred and five, and to the end of the next ſeſſi aſſembly which ſhall happen thereafter; provided nevertheleſs, that the ſeveral acts and ſupple thereto, herein mentioned, ſhall be and are hereby declared ſubject to any alterations which been made therein ſince the paſſage of the ſaid laws or ſupplements.

(w) 1791, ch. 76. (x) 1791, ch. 78. (y) November, 1792, ch. 63. (z) November, 179
(a) 1794, ch. 14. (b) 1795, ch. 3. (c) 1794, ch. 52. (d) 1795, ch. 43, 1796, ch. 60, 179
(e) 1795, ch. 18. (f) 1796, ch. 40.

CHAP. LXXII.

Paſſed 15th of Jan. 1799.

An ACT for the relief of Ralph Ormſton, of Waſhington county. Lib. JG. No. 3. fol. 150. Private Act.

CHAP. LXXIII.

An ACT to relinquiſh to Frederick Eickelberger, of Frederick county, the right of the ſtate to land therein mentioned. Lib. JG. No. 3. fol. 150. A Private Act.

CHAP. LXXIV.

* 1790, ch. 26.

A Further ſupplement to an act, * entitled, An act for the relief the poor of Calvert county. Lib. JG. No. 3. fol. 151.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of the truſtees o poor of Calvert county, that the ſum levied for erecting an alms-houſe in their county adequate for ſaid purpoſe; therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy co the ſaid county for the time being ſhall and they are hereby authoriſed and empowered to aſſe levy on the property within the ſaid county liable to aſſeſſment, at the time of laying the c rate, a ſum not exceeding two hundred pounds in each of the years ſeventeen hundred and ni nine, and eighteen hundred, together with the collector's commiſſion of ſix *per cent.* thereon for lecting the ſame, which ſhall be collected and paid for the purpoſes required by the act to which is a further ſupplement.

Truſtees to pay the clerk, &c.

III. AND BE IT ENACTED, That the truſtees of the poor for ſaid county be authoriſed to out of the money ſo to be levied, the ſum of ſixty dollars as a compenſation to the clerk whom have employed to keep an account of their proceedings.

IV.

CHAP. LXXIV. Money to be levied.

. AND BE IT ENACTED, That after the expiration of the ſaid two years, the juſtices of Cal- county levy court aforeſaid for the time being ſhall and they are hereby empowered to aſſeſs and on the aſſeſſable property in ſaid county, at the time of laying the county rate, a ſum not ex- ing five ſhillings on every hundred pounds worth of property as aforeſaid in the ſaid county, to- r with the collector's commiſſion for collecting the ſame, which ſaid aſſeſſment ſhall be made, d, collected and paid, in the ſame manner as is directed by the original act.

CHAP. LXXV.

Paſſed 15th of Jan. 1799. * 1796, ch. 53.

Supplement to the act, * entitled, An act to empower the levy court of Harford county to aſſeſs and levy a ſum of money for the purpoſes therein mentioned. Lib. JG. No. 3. fol. 152.

Court to appoint a perſon, &c.

. IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Harford county may, at their diſcretion, appoint a fit and proper perſon in the room of Samuel Day, deceaſed, men- d in the act to which this is a ſupplement, for the purpoſe of receiving and applying the money in directed to be levied for the ſupport and maintenance of Sarah Day therein mentioned, and rding to the directions of the ſaid act.

CHAP. LXXVI.

Paſſed 18th of Jan. 1799. * 1796, ch. 67.

upplement to an act, * entitled, An act relating to negroes, and to re- peal the acts of aſſembly therein mentioned. Lib. JG. No. 3. fol. 152.

Slaves may be removed, &c.

. IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for any citi- zen and reſident of this ſtate, or of any adjoining ſtate, being ſeized and poſſeſſed of an eſtate heritance in his own right, or in the right of his wife, in land lying in this or any one of the ning ſtates, and the owner of any ſlave or ſlaves employed or worked on the ſaid land, to re- and bring ſuch ſlave or ſlaves within this ſtate on the land of ſuch owner, for the uſe and bene- the owner, his or her legal repreſentatives, and not for ſale, provided ſuch ſlave or ſlaves hath ve been reſident of this or ſome one of the ſaid adjoining ſtates before the twenty-firſt day of , in the year one thouſand ſeven hundred and eighty-three, or is or are the deſcendant or de- ants of any ſlave being reſidents as aforeſaid; and provided alſo, that a liſt of ſuch ſlave or , containing their names, ſexes and ages, be delivered, in writing, and ſigned by the owner, verſeer or agent, to the clerk of the county into which ſuch ſlave or ſlaves ſhall be brought to , within three months thereafter; and the ſaid liſt ſhall be recorded at the expence of the own- ſuch ſlave or ſlaves ſo brought into this ſtate, in which liſt of negroes, ſo recorded, if title to be acquired by will, the teſtator's name, the date of the will, and the place where recorded, be inſerted, and if the title to them be derived from marriage, the name of the married perſon whom the title is derived ſhall likewiſe be inſerted in ſaid liſt, and the whole entered on record.

In and out of this ſtate, &c.

AND BE IT ENACTED, That if the ſaid record be made within the time and in the manner n limitted, it ſhall and may be allowed to the owner or proprietor of the ſlaves ſo brought in ecorded, to remove them, or any of them, or their iſſue, in and out of this ſtate as often as his r intereſt may require, without being under the neceſſity of recording them each time they are ht in, any law to the contrary notwithſtanding.

CHAP. LXXVII.

Paſſed 16th of Jan. 1799.

ACT to open and eſtabliſh a road from Rock creek church to atowmack river, below the little falls of ſaid river. Lib. JG. o. 3. fol. 153.

Preamble.

HEREAS a great number of the inhabitants of Montgomery county have, by their petition to this general aſſembly repreſented, that great inconvenience ariſes from the want of a road fiſheries at and below the little falls of Patowmack river, and the neighbourhood thereof, and irce's mill on Rock creek, where, in dry ſeaſons, the neighbourhood can calculate that the neceſſary to ſupport their families will be ground; and this general aſſembly being ſatisfied that ayer of the ſaid petition is juſt and reaſonable,

Commiſſioners appointed, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That John Threlkeld, Joſeph Sprigg Belt aac Peirce, be and hereby are appointed commiſſioners for the purpoſes in this act mentioned; at the ſaid commiſſioners, or any two of them, are hereby authoriſed and empowered to lay off and

CHAP. LXXVII.

and open, at the expence of the ſubſcribers to the ſaid petition, a good and ſufficient waggon ro not exceeding in breadth thirty-three feet, from Rock creek church to the neareſt landing next be the locks to Patowmack river; and the ſaid road, when ſo laid out, opened, cleared and compe at the expence of the ſaid ſubſcribers, and after the damages herein after directed ſhall be aſſe and paid, or ſecured to be paid, to the individuals intereſted, to their ſatisfaction, ſhall be recor among the records of the territory of Columbia, and ſhall be thereafter deemed and taken to b public road for ever, and ſhall be kept in repair in the ſame manner as other public roads are dir ed to be kept in ſaid county.

Who may appoint a receiver, &c.

III. AND BE IT ENACTED, That the ſaid commiſſioners, or any two of them, may appoint on their number to be receiver and treaſurer, and he is hereby authoriſed and empowered to collect receive all monies that now are, or hereafter may be ſubſcribed, for opening the ſaid road, and ſubſcriptions are hereby directed and enjoined to be paid to ſuch receiver or treaſurer, ſo appoi as aforeſaid; and if any ſubſcriber ſhall neglect or refuſe to pay the ſum by him ſubſcribed, the receiver or treaſurer is hereby authoriſed and empowered to warrant or ſue for the ſame, a caſe may require; and the ſaid ſums, when ſo received, ſhall be applied by the commiſſioners a ſaid to the purpoſes before mentioned.

And aſcertain damages, &c.

IV. AND BE IT ENACTED, That the commiſſioners aforeſaid, or any two of them, ſhall aſce the damages which may be ſuſtained by any perſon or perſons through whoſe lands the ſaid road paſs, by opening and clearing the ſame; and the ſaid commiſſioners ſhall not previouſly proce open and clear the ſame, provided a requeſt for that purpoſe ſhall be made by any perſon or pe intereſted therein, after notice thereof by ſaid commiſſioners; provided always, that the ſaid miſſioners, before they ſhall proceed to aſſeſs the ſaid damages, ſhall reſpectively, before ſome j of the peace for Montgomery county, take the following oath, or affirmation, to wit: "I, — "ſolemnly ſwear, or ſincerely and truly affirm and declare, that I will honeſtly, juſtly and f "eſtimate the damages ſuſtained by ——, by opening the road through the lands of the ſaid "or for which he is truſtee or guardian, in purſuance of this act;" and ſhall return the damag them ſo aſſeſſed to the next county court to be held for Montgomery county; and provided any ſon or perſons through whoſe land ſaid road ſhall paſs ſhall think him, her or themſelves aggr by the determination of the commiſſioners aforeſaid, then the ſaid commiſſioners ſhall iſſue their rant, directed to the ſheriff of the county, commanding him to ſummon and return a jury of tw good and lawful men of the ſaid county, (who ſhall be allowed the ſame as jurors to the co court,) not intereſted or related to the party or parties, to be and appear before one of the com ſioners, on the premiſes, at a certain day in the ſaid warrant to be expreſſed, which jury, on oath, or affirmation, (as the caſe may be,) to be adminiſtered by the ſaid commiſſioner, ſhall in who is or are the owner or owners of the land over which any ſuch road ſhall paſs, and what dam ſuch owner or owners will actually ſuffer from the paſſage of ſuch road over the ſaid land, the jury taking into conſideration all conveniencies and inconveniencies, advantages and diſadvant if any, ariſing thereby; and all expences accruing in conſequence of any jury as aforeſaid ſh paid by the aforeſaid commiſſioners, out of any monies by them collected from the ſubſcriptio ſaid road, and the party in whoſe favour made, ſhall be entitled to receive the ſame from the commiſſioners, and they ſhall pay, or ſecure the ſame to be paid, to thoſe intereſted, out o amount of ſubſcriptions to ſaid road, within ſix months after the aſcertainment of ſuch valu or damages, and before they ſhall proceed to affect the lands of any perſon or perſons intereſted

Not to paſs thro' houſes, &c.

V. AND BE IT ENACTED, That the ſaid road ſhall not paſs through any houſes, gardens, orcha meadow, of any perſon or perſons whatſoever, unleſs with the full conſent of ſuch perſon or per

CHAP. LXXVIII.

Paſſed 15th of Jan. 1799.

An ACT to incorporate the truſtees of George-town ſchool, in K county. Lib. JG. No. 3. fol. 155.

Preamble.

WHEREAS the truſtees of George-town ſchool, in Kent county, have petitioned this ge aſſembly to be erected into a corporation, for the purpoſe of receiving funds for, and man the concerns of, the ſaid ſchool,

Perſons incorporated, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the reverend doctor Read reverend George Daſhield, the reverend Jeremiah Coſden, John Lambert Wilmer, William thews, William Ward, John Rumſey, Alexander Stuart, John Thomas, William Gleaves, A tine Boyer, Thomas Harris and James Pearce, be and they are hereby erected into a corpor

e name of The Truſtees of George-town School, for the purpoſes of receiving, holding and ing, funds for the benefit of ſaid ſchool, and managing the intereſt and concerns thereof; which erſons, ſo nominated truſtees for George-town ſchool, and their ſucceſſors, to be appointed in anner herein after preſcribed, ſhall and are hereby declared to be one community, corporation ody politic, to have continuation for ever, by the name of The Truſtees of George-town , and by that name to ſue and be ſued, implead or be impleaded, and to make and have a com- al, and the ſame to break, alter or renew, when and ſo often as they ſhall think fit. CHAP. LXXVIII.

AND BE IT ENACTED, That the aforeſaid truſtees, and their ſucceſſors, or a majority of ſhall, at any and at all times, upon the death, reſignation, or removal from the counties of nd Cæcil, of any one or more of the truſtees, appoint other ſenſible and diſcreet man or men ſaid counties to be the truſtee or truſtees to fill the vacancy created by the death, reſignation oval, as aforeſaid. How vacancies are to be filled.

AND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, or a majority of them, ave full power and authority to make fundamental ordinances for the government of the ſchool inary aforeſaid, and the education of the youth, and to appoint ſuch perſon or perſons as they, ajority of them, may think proper, to be teacher or teachers of the ſaid ſchool. Truſtees to make ordinances, &c.

AND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, or a majority of them, eet at leaſt twice in each year, at ſuch times as ſhall be appointed by their own ordinances, r to examine the progreſs of the ſtudents and ſcholars, and to hear and determine on all com- and appeals, and all matters touching the diſcipline of the ſeminary, and the good and whole- xecution of their ordinances, on all which occaſions a majority at leaſt of the truſtees ſhall e a quorum. Meet twice in each year, &c.

AND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, may hold and enjoy, and ey may be apt and capable in law for taking, holding and enjoying, all lands, tenements, rents, s, portions, annuities and penſions, with all other inheritances, franchiſes and poſſeſſions ever, of the gift of any perſon whatſoever that is willing to beſtow them, for the uſe of the aforeſaid, or any other gifts, grants, aſſignments, legacies or donations, of any and all kinds er, for the uſe and benefit of ſaid ſchool. And may hold property, &c.

CHAP. LXXIX.

pplement to the act, * entitled, An act for the relief of Joſeph rreſt, of George-town, Patowmack, and Thomas Earle, of ueen-Anne's county. Lib. JG. No. 3. fol. 156.

Paſſed 16th of Jan. 1799.
* Chapter 26.

HEREAS the act to which this is a ſupplement gives no power or authority to the chancellor to bring Joſeph Forreſt and Thomas Earle, or either of them, before him, in caſe either of perſons ſhould be impriſoned at the time of exhibiting his or their petition, Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the chancellor have and poſſeſs e powers and authorities in relation to the ſaid perſons, or either of them, as are given to ncellor in certain caſes under the ninth ſection of the act, * entitled, An act for the relief of inſolvent debtors, paſſed at the preſent ſeſſion of aſſembly. Chancellor to have certain powers, &c.
* Chapter 64.

CHAP. LXXX.

ACT to lay out and eſtabliſh a road from the city of Annapolis the city of Waſhington, and to repeal the act therein mention- Lib. JG. No. 3. fol. 156.

HEREAS by a reſolve of the general aſſembly, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-ſix, commiſſioners were authoriſed and empowered to examine the of the country between the city of Waſhington and the city of Annapolis, and aſcertain ermine the direction and poſition of the neareſt, moſt convenient and practicable road, that laid off between the ſaid two places, and report the ſame, with a plot thereof, to the next aſſembly: And whereas the ſaid commiſſioners have undertaken and completed the ſame, and a plot of the ſaid road, and it appearing from ſaid plot, that the ſaid commiſſioners have the road in ſuch a direction that it will paſs over the Eaſtern Branch, one mile, or there- abouts, Preamble.

CHAP. LXXX.

abouts, above the ferry kept by Matthew Wigfield, at a place where it will be neceſſary to ma
cauſeway at a conſiderable expence; and it alſo appearing that the ſaid road will more certainly,
with more expedition, be brought into uſe, if the location thereof ſhould be altered, ſo that the ſ
may paſs over at the ferry kept by Matthew Wigfield; therefore,

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Thomas Duckett, Levi Gantt
Jacob Duckett, of Prince-George's county, and William Harwood, Leonard Sellman, Edward
and James Williams, of Anne-Arundel county, ſhall be and are hereby appointed commiſſioner
ſaid road, and that they, or any four of them, be and are hereby authoriſed to alter the locatio
ſaid road, ſo that the ſame ſhall paſs over the Eaſtern Branch at the ferry kept by Matthew W
field as aforeſaid, and when the direction ſhall be altered, the ſaid commiſſioners, or any four of t
may and ſhall cauſe the plot of ſaid road to correſpond with ſuch location.

Who are to open a road, &c.

III. AND BE IT ENACTED, That the ſaid commiſſioners, or any four of them, are hereby
thoriſed and empowered to open, clear and grub ſaid road, not exceeding thirty feet wide; and
ſaid road, ſo opened, cleared and grubbed, ſhall be recorded among the records of Anne-Aru
and Prince-George's counties reſpectively, and ſhall for ever be deemed a public road, and ſha
kept in repair as other public roads.

Their allowance.

IV. AND BE IT ENACTED, That each commiſſioner ſhall be allowed two dollars for every da
ſhall attend in diſcharge of the duties herein impoſed.

Damages to be aſcertained, &c.

V. AND BE IT ENACTED, That where any perſon or perſons ſhall require compenſation fo
damages ſuſtained by reaſon of the ſaid road paſſing through his, her or their land, the commiſſi
aforeſaid ſhall and they are hereby directed to apply to any juſtice of the peace for the count
Anne-Arundel and Prince-George's reſpectively, who ſhall iſſue his warrant, under hand and
directed to any conſtable of the ſaid county, to command him to ſummon twelve freeholders,
tereſted as to the lands, and not connected with any perſon through whoſe lands the ſaid
ſhall paſs, to appear at a place and on a certain day by him to be appointed, and after takin
following oath, or affirmation, as the caſe may be, to wit: "I, A. B. do ſwear, or ſolemnly
"cerely and truly declare and affirm, that I will honeſtly and faithfully eſtimate and value the da
"and injury ſuſtained by C. D. by opening a road through the land of the ſaid C. D. in purſ
"of the directions of this act," ſhall proceed to aſcertain and value what damages may be ſuſt
by any perſon or perſons through whoſe land the ſaid road may paſs, by opening and clearin
ſame, and ſhall return the damages by them aſſeſſed to the clerks of Anne-Arundel and P
George's counties reſpectively, and the damages ſo aſſeſſed ſhall be concluſive, and ſhall be levi
the levy courts of Anne-Arundel and Prince-George's counties reſpectively, and paid to the p
or perſons for whoſe uſe the ſame was levied; and after the valuation ſo made, the ſaid commiſſ
ſhall proceed to open and clear the ſame, provided that the ſaid road ſhall not paſs throug
houſes, gardens, yards, orchards or meadows, unleſs with the conſent of the owners thereof,
age, and of the guardian or guardians where ſuch perſon or perſons are under age.

Juſtices to levy money, &c.

VI. AND BE IT ENACTED, That the juſtices of the levy courts of Anne-Arundel and P
George's counties reſpectively, at their next levy court, ſhall and they are hereby directed to
upon the aſſeſſable property of the inhabitants of each county, a ſum not exceeding five hundre
lars, for the purpoſe of defraying the expences of clearing the aforeſaid road, and the ſaid ſum,
collected, ſhall be paid to the perſon or perſons employed to carry this act into effect, who ſha
pend as much of the ſaid money ſo levied as may be neceſſary on the road in each county reſpe
ly, and ſhall account for the expenditure of the ſame to the levy courts of the ſaid counties.

An act repealed.
* Chapter 91.

VII. AND BE IT ENACTED, That an act of aſſembly paſſed at November ſeſſion, one tho
ſeven hundred and ninety-ſeven, * to lay out and eſtabliſh a road from the city of Annapolis
city of Waſhington, be and the ſame is hereby abrogated and repealed.

CHAP. LXXXI.

Paſſed 16th of Jan. 1799.

An ACT to alter and change the time for holding the county co in Waſhington county. Lib. JG. No. 3. fol. 158.

Preamble.

WHEREAS by an act of aſſembly, paſſed at November ſeſſion, ſeventeen hundred and ni
ſix, the courts in Waſhington county are to be held on the firſt Monday in April and J
ry, and that the January court is found to be inconvenient; therefore,

BE IT ENACTED, *by the General Assembly of Maryland*, That from and after the passage of this e county courts for Washington county shall be held on the first Monday in April and Decem- every year.

CHAP. LXXXI. When courts are to be held.

. AND BE IT ENACTED, That so much of the act passed at November session, seventeen hun- nd ninety-six, * entitled, An act for the better administration of justice in the several counties s state, as relates to the time of holding the courts in Washington county, is hereby repeal-

Part of an act repealed. * Chapter 43.

CHAP. LXXXII.

ACT appointing commissioners to contract for and purchase the nds, commonly called the Choptank Indian Lands, in Dorches- r county, and for appropriating the same to the use of this state, d to repeal the act of assembly therein mentioned. Lib. JG. o. 3. fol. 159.

Passed 18th of Jan 1799.

IT ENACTED, *by the General Assembly of Maryland*, That Henry Waggaman, William B. Martin, mes Steele, Moses Lecompte and William Marbury, be and they are hereby appointed com- ers to promote the purposes herein after mentioned; and the said commissioners, or a majority n, shall have full power and authority to execute and perform the several trusts and duties in and required of them by virtue of this act; and if any of the said commissioners shall refuse resign, die, or remove out of the state, it shall be lawful for the remaining commissioners, or rity of them, to appoint another skilful person or persons to supply such vacancies, and every so appointed shall have the same power and authority as any of the commissioners appointed act.

Commissioners appointed, &c.

AND BE IT ENACTED, That the said commissioners, or the major part of them, shall be and eby authorised and empowered, with all convenient speed after the passage of this act, to re- the Indian settlement near Secretary's creek, in Dorchester county, and to contract, cove- d agree, in behalf of this state, with the Choptank Indians inhabiting the said settlement, purchase of the right, title and interest, of the said Indians, to all and singular the lands and nts aforesaid, and to enter into such covenant and agreement on the part of this state, for g the said commissioners to obtain the right and title of the said Indians to the said lands, te- s and appertenances, as in their discretion and judgment shall be deemed adviseable; provided heless, that in making such contract and agreements it shall be covenanted and agreed by the dians, that the right, title and interest, of and in the said lands, tenements and appertenances, e granted by the said Indians, and for ever thereafter vested and confirmed in this state, and n consideration thereof, it shall be covenanted and agreed by the said commissioners, on the this state, that there shall be reserved to the said Indians, for their own cultivation and im- ent, a quantity of the said land, not exceeding one hundred acres, to be so laid off by the mmissioners as to include their present settlements, and a suitable proportion of the woodland, at the quantity of land so reserved, shall be held, used and occupied, by the said Indians, so they, or any of them, or their descendants, shall continue to inhabit the said settlement; the mmissioners, or a majority of them, may agree to pay each individual of the said Indians who ims title to, and receives rents from, said land, such annuity as may be agreed upon between mmissioners and said Indians, provided that the aggregate amount of such annuities shall not the sum of six hundred dollars, and such annuities shall be payable for their use quarterly, out treasury of the western shore, to the orders of such persons, or friends, as the said Indians spectively from time to time appoint to draw the same, and that the said annuity shall com- on the first day of January next ensuing the date of such agreement; and the annuity allowed Indian as aforesaid shall, upon the death of said Indian, descend and be paid to such person or as under the laws of this state would be entitled to have the personal estate of said Indian, said Indian died intestate, leaving personal estate, and be transmitted in same manner; pro- that no annuity shall be transmitted to any but the immediate descendants of the Indian to granted, and that upon the death of any of the said Indians, or their descendants, without resentative as aforesaid, the annuity in such case granted shall cease.

Who shall repair to the Indian lands, &c.

AND BE IT ENACTED, That on the completion of such contract and agreement, the terms shall be fully and distinctly written on parchment or paper, and the same shall be subscribed

Terms to be written, &c.

CHAP. LXXXII.

and executed in the preſence of two juſtices of the peace of the ſaid county, by the ſaid Indians by ſome of them, on the part and with the conſent of the Indians claiming title to ſaid lands, and ceiving rents therefor, and by the ſaid commiſſioners, or the major part of them, on behalf of ſtate, and the atteſtation thereof ſhall be made and certified by the ſaid juſtices, and the ſaid a ment ſhall, in ſome convenient time thereafter, be depoſited in the office of the clerk of the county, and be recorded by him among the land records of the county, and after the enrol thereof the ſame ſhall be tranſmitted by the ſaid commiſſioners to the governor and the counc be filed and retained by them for ſafe cuſtody.

Commiſſioners to determine when they ſhall meet, &c.

IV. AND BE IT ENACTED, That after the completion and execution of the ſaid contra agreement, the ſaid commiſſioners ſhall determine on a certain day when they ſhall meet togeth the ſaid Indian ſettlement, and ſhall cauſe a ſummons to be ſerved on the ſurveyor of the ſaid ty, or on ſuch other qualified perſon as they ſhall nominate for this purpoſe, directing him to b appear at ſuch time and place in order to ſurvey the ſaid lands, and ſhall give public notice of intentions to ſurvey the ſame, by advertiſement to be ſet up at the court-houſe of the ſaid co and at other public places in the neighbourhood; and the ſaid commiſſioners, or a majority of and ſurveyor, or other qualified perſon ſummoned as aforeſaid, ſhall accordingly meet at ſuch and place, and ſhall thereupon proceed, from time to time, to make an accurate ſurvey of ſaid and of the ſeveral creeks, branches, tenements, roads, and other particulars, in the diſcret the ſaid commiſſioners, or a majority of them, which may be neceſſary to furniſh a juſt idea of ſituation and value; and after ſuch ſurvey thereof, the ſaid ſurveyor, ſhall make an exact an rect plot thereof, deſcribing thereon the ſaid ſeveral tenements, creeks, branches and roads ſuch other particulars as ſhall be directed by the ſaid commiſſioners, and ſhall thereto annex and plain certificate of ſuch ſurvey, and of the actual boundaries, courſes, diſtances, quan acres, and ſuch other particulars as ſhall be directed as aforeſaid, and ſhall ſubſcribe and ſe ſame.

Surveyor to lay off the land, &c.

V. AND BE IT ENACTED, That the ſaid ſurveyor, under the direction of the ſaid commiſ ſhall lay off the quantity of land reſerved for the ſaid Indians as is herein before mentione cluding their preſent ſettlement, and a ſuitable proportion of the woodland, and ſhall diſtinctly and bound the ſame; and thereupon the ſaid ſurveyor, under the direction of the ſaid commiſ ſhall proceed to lay off the remaining lands in lots, each lot to contain not leſs than one hu nor more than five hundred acres, unleſs a departure from this direction ſhould become neceſ the interference of creeks, branches, roads or angles; and in laying off the ſaid lots due regar be had to ſituation, ſoil, timber and other circumſtances, ſo as to make them as equal in value nature of the ſubject will admit, and each reſpective lot ſhall be numbered, marked and bound ſuch manner as ſhall be directed by the ſaid commiſſioners; and the land reſerved as aforeſai the ſaid reſpective lots, ſhall be located, diſtinguiſhed and numbered, upon the ſaid plot, and certificates of their reſpective bounds and quantities ſhall be likewiſe annexed and ſubſcribed ſaid ſurveyor; and if the ſaid commiſſioners, or a majority of them, ſhall deem it neceſſary ſhall direct the ſurveyor to lay off, mark and bound, a road not exceeding thirty feet wide th the ſaid land, in ſuch direction as they ſhall order and direct, and the ſame to note upon th and when ſo laid off ſhall be deemed and taken as a public road.

A fair account to be kept, &c.

VI. AND BE IT ENACTED, That the ſaid commiſſioners ſhall keep and ſubſcribe a fair acco their proceedings and lawful expenditures in the execution of their truſt, and immediately af duties herein before preſcribed ſhall be performed, their ſaid proceeding and expenditures, to with a correct duplicate of the plot and certificates of the ſaid ſurveyor, ſhall be tranſmitted ſaid commiſſioners to the agent of the ſtate, and the original plot and certificates of the ſaid ſ or ſhall be depoſited in the office of the clerk of the county, to be filed by him and retained fo cuſtody.

Agent to give public notice, &c.

VII. AND BE IT ENACTED, That the ſaid agent, in a convenient time after the receipt o proceedings, ſhall give public notice for the ſpace of twelve weeks, by advertiſements to be in in an Eaſton, Baltimore, Annapolis, Frederick, George-town and Philadelphia news-papers, up in public places in the neighbouring counties, that the ſaid Indian lands aforeſaid are allott intended for public ſale, at a certain time and place in Dorcheſter county, to be mentioned i advertiſements, and the ſaid agent ſhall attend at the time and place appointed, and ſhall proc expoſe the ſaid lots to ſale by the acre, and the ſame ſhall be reſpectively ſtruck off to the bidder, upon the following terms, and not otherwiſe: The purchaſer ſhall give bond to thi with ſuch ſecurity as the ſaid agent may approve, for the payment of the ſaid purchaſe mo

e, in four equal annual inſtalments, with intereſt thereon from the day of ſale, the lands belong- o the purchaſers, and their ſecurities, at the time of ſuch ſale, ſhall be bound from the paſſage eir reſpective bonds for the payment of the purchaſe money, or ſo much thereof as may be due; n a compliance with the foregoing terms of ſale by any purchaſer, it ſhall be lawful for the ſaid , and he is hereby authoriſed and empowered, to execute and acknowledge, in due form of law, d of bargain and ſale to ſuch purchaſer for the lot or lots reſpectively ſold, deſcribing the ſaid lots in ſuch deed according to the ſurveyor's certificate thereof, and thereupon, and upon the enrolment thereof, the right, title and intereſt of the ſtate, ſhall thereby be veſted in ſuch pur- r, and his heirs, in fee-ſimple; and the ſaid agent ſhall proceed, in his diſcretion, to expoſe aid lots to ſale at the time mentioned in ſaid advertiſement, or for ſufficient reaſon may adjourn ales to ſuch other time or times as ſhall ſeem to him adviſeable, ſo as to promote a fair and t ſale of the premiſes aforeſaid.

Commiſſioners allowance, &c.

II. AND BE IT ENACTED, That each of the ſaid commiſſioners, and the ſaid ſurveyor, ſhall be ed to receive three dollars for every day they ſhall be neceſſarily employed in the execution of ruſt, and the ſaid agent ſhall be entitled to receive a commiſſion of one *per cent.* on the amount e ſales of the ſaid lots; and the ſaid expences, and all other lawful and reaſonable expenditures red by virtue of this act, ſhall be paid by the treaſurer of the weſtern ſhore to the reſpective s entitled to receive the ſame, and the ſaid treaſurer ſhall keep a correct account of all ſuch ents; and the ſaid agent ſhall keep an account of his proceedings in the premiſes, and the ſame, her with the bonds taken in virtue of this act, and the ſeveral vouchers for payments, and the edings and expenditures of the ſaid commiſſioners, ſhall be lodged by them in the treaſury of eſtern ſhore, and be ſubject to the inſpection of the general aſſembly when the ſame ſhall be re- d.

Treaſurer to pay, &c.

. AND BE IT ENACTED, That the treaſurer of the weſtern ſhore ſhall be authoriſed, and he is y required, after the execution of the truſts herein before mentioned, and the times limitted, y the orders drawn as aforeſaid for the uſe of the ſaid Indians out of any unappropriated money e treaſury.

Indians not to ſell, &c.

AND BE IT ENACTED, That it ſhall not be lawful for the ſaid Indians to ſell, grant, leaſe, or wiſe diſpoſe of, the lands to be reſerved to them by virtue of this act, or any part thereof, for ſtate, or in any manner whatſoever; and if any perſon or perſons, after the completion of the act and agreement aforeſaid, ſhall preſume to purchaſe, leaſe, or in any manner take, the ſaid , or any part thereof, of the ſaid Indians, or any of them, contrary to this act, ſuch perſon or ns ſhall forfeit and pay the ſum of two hundred dollars, to be recovered by preſentment and in- ent in the county court of Dorcheſter, and his, her or their eſtate therein ſhall be void and of feet, and the party or parties ſhall be treſpaſſers, and for ſuch treſpaſs, and for every other aſs in any manner committed upon the ſaid reſerved lands, the party or parties ſhall be liable ſued in the name of this ſtate, and, on conviction, double damages ſhall be recovered, and the of ſuit.

Proviſo.

. PROVIDED NEVERTHELESS, AND BE IT ENACTED, That before any commiſſioner, appointed be appointed in virtue of this act, ſhall proceed to execute the truſt hereby repoſed in him, he take an oath, or affirmation, before ſome juſtice of the peace of the ſaid county, that he will fully and honeſtly, according to the beſt of his ſkill and judgment, execute and perform the ſeve- ruſts and duties required of him by this act, without affection, partiality or prejudice, and the g thereof ſhall be certified by ſuch juſtice, and tranſmitted to the treaſurer of the weſtern ſhore, her with the proceedings of the ſaid commiſſioners; that in caſe no contract ſhall be made be- n the ſaid commiſſioners and the ſaid Indians, under and by virtue of this act, before the firſt f Auguſt next, that in ſuch caſe the agent for the time being be authoriſed, at his diſcretion, oſecute a ſuit or ſuits at law or equity, as the caſe may require, to recover the poſſeſſion of ſaid or of any part thereof, to which the ſtate may be entitled.

An act repealed.

II. AND BE IT ENACTED, That the act,* entitled, An act for appointing commiſſioners to con- for and purchaſe the Indian lands in Dorcheſter county, and for appropriating the ſame to the f this ſtate, ſhall be and the ſame is hereby repealed.

* 1790, ch. 43.

CHAP. LXXXIII.

Passed 18th of Jan. 1799.

An ACT to confirm an act, entitled, An act to alter such parts the declaration of rights, the constitution and form of governme as prevent persons conscientiously scrupulous of taking an o from being witnesses in all cases. Lib. JG. No. 3. fol. 163.

An act confirmed.

* Chapter 118.

BE IT ENACTED, *by the General Assembly of Maryland*, That an act passed at November se seventeen hundred and ninety-seven, * entitled, An act to alter such parts of the declara of rights, the constitution and form of government, as prevent persons conscientiously scrupulo taking an oath from being witnesses in all cases, shall be and the same is hereby confirmed.

CHAP. LXXXIV.

An ACT respecting proceedings in the high court of chance Lib. JG. No. 3. fol. 164.

Preamble.

WHEREAS doubts have arisen, under the existing powers vested in the court of chancery, the production of books and papers in the possession of either complainant or defendant, which relate to the matters in issue between the parties, cannot be compelled or enforced, whe in many instances the ends of justice cannot be obtained; therefore,

Chancellor to have power to decree, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the chancellor shall have powe authority, on the application of either party, on the trial of any actions at law depending i general courts, or on any bill instituted in the chancery court, either for discovery or relief, t quire and decree that the parties shall produce either the original books, writings or paper copies certified by a justice of the peace, of all such parts of such books, writings or papers, in possession or power, as contain evidence pertinent to the issue, or relative to the matters in di between the parties, to be used as evidence at the trial of such cause or causes; provided, tha fore any such order shall be made, the party making such application shall satisfy the chancello oath or affirmation, that the said books, writings or papers, contain material and necessary evid and that such party cannot safely proceed to the trial of his, her or their case, without the bene such testimony.

CHAP. LXXXV.

An ACT to make valid and confirm the title in the lands therein mentioned to Rebecca Maria riet Buchanan. Lib. JG. No. 3. fol. 164. A Private Act.

CHAP. LXXXVI.

* 1792, ch. 76.

A Supplement to the act, * entitled, An act for establishing and curing the salary of the chancellor. Lib. JG. No. 3. fol. 16

Chancellor's salary.

BE IT ENACTED, *by the General Assembly of Maryland*, That the chancellor shall be entitled t ceive, for all duties and services whatever prescribed, or to be prescribed, by law, an a salary of twelve hundred and seventy-five pounds current money, and no more, to be paid quar by the treasurer of the western shore.

Duration.

II. This act to continue and be in force till the twentieth day of October, eighteen hund and until the end of the next session of assembly which shall happen thereafter.

CHAP. LXXXVII.

* 1797, ch. 73.

A Supplement to an act, * entitled, An act for building a new g in Baltimore county. Lib. JG. No. 3. fol. 165.

Preamble.

WHEREAS by the act to which this is a supplement the commissioners therein named are di ed to build the new gaol for Baltimore county upon the public grounds in the city of B more appropriated by law for the gaol and court-house of said county, and it being represented the said grounds are situated within a small distance from the most central and populous part of said city, and consequently highly improper for such a building; therefore,

Commissioners may receive by donation, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the commissioners named in the ginal act to which this is a supplement, or a majority of them, or a majority of such as shall be appoi

inted, are hereby authoriſed and empowered to receive by donation, or to purchaſe in fee-ſimple, or lots of ground in the city of Baltimore, or the precincts thereof, and to erect thereon the gaol contemplated by the original act to which this is a ſupplement, the ſaid lot of ground ſo n or purchaſed to be conveyed to the ſaid commiſſioners for the uſe of Baltimore county; and ſaid commiſſioners, or a majority of them, or a majority of ſuch as ſhall be duly appointed, are by authoriſed to pay for the ſaid lot or lots of ground, if the ſame ſhall be obtained by purchaſe, of any monies which now are or may hereafter come into their hands for the purpoſe of build- he ſaid new gaol.

I. PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid gaol ſhall be erected and built on a of ground on the eaſt ſide of Jones's falls, and not at a greater diſtance from the court-houſe in county than a lot owned by William Wilſon on ſaid falls; and if the ſaid ground cannot be pro- d on the ſaid falls, that then and in that caſe the commiſſioners aforeſaid are hereby directed to the ſaid gaol as directed in the original act to which this is a ſupplement. Proviſo.

V. AND BE IT ENACTED, That if a lot of ground on Jones's falls can be procured for building eon the gaol aforeſaid, within the diſtance aforeſaid, that then and not before the ſaid commiſ- rs, or a majority of them, or a majority of ſuch as ſhall be duly appointed, are hereby authoriſed ſpoſe of and ſell at public auction, on a credit of ſix, nine and twelve months, all that portion art of the public ground herein after deſcribed, after laying the ſame off in ſuch manner as to ſhall ſeem beſt, and giving three weeks public notice of the time and terms of ſale, beginning he part hereby intended to be ſold on the eaſt ſide of Saint-Paul's lane, at the moſt ſoutherly er of the ſaid public grounds on Saint-Paul's lane, and running northerly with Saint-Paul's lane hundred and thirty-two feet to the outline of ſaid public grounds, then with the ſaid outline h, eighty-eight degrees and three quarters of a degree eaſt, two hundred and ten feet to a point hundred and fifty-three feet weſt from the north line of Calvert-ſtreet continued, then ſoutherly llel with Calvert-ſtreet one hundred and thirty-two feet, thence to the beginning, and the mo- ariſing therefrom to appropriate towards building the ſaid new gaol, or apply in diſcharge of s contracted in the erection thereof. If a lot can be procured, ground to be ſold, &c.

. AND BE IT ENACTED, That in all caſes of ſales made as aforeſaid, the ſaid commiſſioners, or jority of them, or a majority of ſuch as ſhall be duly appointed, are hereby authoriſed to paſs deed or deeds therefor, on the payment of the purchaſe money, as by them may be deemed right proper for the effectual transfer of ſaid property, in fee, to thoſe who ſhall become purchaſers oreſaid, and generally to do all ſuch matters and things as may be neceſſary the more effectually rry into effect the purpoſes of this act. Commiſſioners to paſs deeds, &c.

I. AND, whereas the ſale of ſpirituous liquors within the gaol by thoſe employed in the keeping eof has been attended with the moſt pernicious effects; therefore, BE IT ENACTED, That no ff or gaoler, or any perſon or perſons by him or them employed, ſhall keep a tavern for the ſale irituous liquors within the ſaid new gaol, or within one eighth of a mile of the ſaid new gaol, he limits thereof; and if the ſheriff of Baltimore county, or his gaol-keeper, or any other per- or perſons employed to keep or attend on ſaid new gaol, ſhall, either by him or themſelves, or heir agent or agents, diſpoſe of, ſell or retail, or be concerned with others in the diſpoſal, ſale tailing, of any ſpirituous liquors, of whatſoever kind it may be, to any perſon or perſons coming id gaol on a viſit, or to any priſoner or priſoners confined in ſaid gaol, the ſaid ſheriff, keeper or on, ſo offending, ſhall forfeit and pay the ſum of twenty dollars for each time he ſhall ſell, or be erned in the ſale of ſuch ſpirituous liquors as aforeſaid, to be recovered by indictment, and ap- to the uſe of Baltimore county. Sheriff, &c. not to keep a tavern, &c.

CHAP. LXXXVIII.

An ACT to open a road in Cæcil county from Archibald Dyſart's towards Hugh Ramſay's tavern. Lib. JG. No. 3. fol. 167.

Paſſed 18th of Jan. 1799.

WHEREAS proviſion hath been made by the legiſlature of Pennſylvania to lay out a new road, in as ſtreight a direction as the nature of the ground will admit, from Hugh Ramſay's tavern, heſter county, to Archibald Dyſart's tavern, in Cæcil county, which road can be opened by the ature of ſaid ſtate only as far as the line thereof; and it appearing that the ſaid road, ſo to be ed, can be of no utility unleſs the ſame can be extended through this ſtate as far as ſaid Dyſart's rn; therefore, Preamble.

II. BE

CHAP. LXXXVIII. Court to lay out a road, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the levy court of Cæcil county and are hereby authoriſed, in their diſcretion, on the application of two thirds of the taxable in bitants of North Milford and Eaſt Nottingham hundreds therefor, to lay out and open a road, beg ning at the Maryland line where the ſaid line is interſected by a new road which is laid out, or tended to be laid out, from ſaid Ramſay's toward ſaid Dyſart's tavern, and to be extended thro Cæcil county, in as ſtreight a line as the nature of the ground will admit, until it interſects the r from Fair Hill to ſaid Dyſart's tavern, and the ſaid road ſhall be laid out in ſuch manner as the court is authoriſed to lay out, ſtreighten and amend public roads in ſaid county; provided no pa the money levied, or hereafter to be levied, on Cæcil county, ſhall be expended in opening, ma or at any time hereafter in repairing, the ſaid road.

CHAP. LXXXIX.

Paſſed 18th of Jan. 1799.

An ACT for the relief of Thomas Randall, of Baltimore county. Lib. JG. No. 3. fol. 168. Private Act.

CHAP. XC.

An ACT to releaſe the right of this ſtate in a lot in the city of Baltimore to Charles Jeſſop, others. Lib. JG. No. 3. fol. 169. A Private Act.

CHAP. XCI.

A Supplement to an act, entitled, An act to authoriſe the buildi a market-houſe on the county wharf in Cheſter-town, in K county, and for the regulation of the ſaid market. Lib. J No. 3. fol. 169.

Preamble. * Chapter 41.

WHEREAS by the act to which this is a ſupplement, paſſed at this preſent ſeſſion of aſſemb it is enacted, that the days for holding the markets ſhall be on Tueſdays and Fridays, a is repreſented to this general aſſembly that the market-days will interfere with the preſent ma as eſtabliſhed; therefore,

Market-days changed.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the market-days for the ſaid m ket to be built and eſtabliſhed by virtue of the act to which this is a ſupplement, ſhall be Mon and Fridays in every week inſtead of Tueſdays and Fridays, any thing in the ſaid act to the co ry notwithſtanding.

CHAP. XCII.

* 1774, ch. 14.

A Further ſupplement to an act, * entitled, An act to unite the fr ſchools of Saint-Mary's, Charles and Prince-George's counti Lib. JG. No. 3. fol. 170.

Preamble.

WHEREAS it appears right and reaſonable that Calvert county ſhould be aſſociated with counties of Saint-Mary's, Charles and Prince-George's, in the management of Charl Hall ſchool,

Truſtees appointed for Calvert county.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Calvert county be henceforth titled to have ſeven truſtees for the management of Charlotte-Hall ſchool, who ſhall have and po all the powers and authorities that the truſtees of any of the ſaid counties now have by law, and colonel Benjamin Mackall, Thomas Bourne, John Cheſley, junior, Michael Taney, Joſeph Wh ſon, Richard Grahame and Thomas Parran, be and are hereby declared truſtees on the part of vert county for the ſaid ſchool, in addition to the truſtees appointed for the counties aforeſaid.

How vacancies are to be filled.

III. AND BE IT ENACTED, That whenever a vacancy ſhall happen from any cauſe in the tru appointed for Calvert county, it ſhall and may be lawful for the preſident and truſtees of Charl Hall ſchool, at all times, to ſupply ſuch vacancy, in the manner directed by the act to which th a further ſupplement.

CHAP. XCIII.

An ACT to enable Wilhem and Jan Willink, merchants in Amſterdam, to purchaſe and hold property in the town of Havre-de-Grace, in Harford county. Lib. JG. No. 3. fol. 170. A vate Act.

CHA

CHAP. XCIV.

Passed 18th of Jan. 1799.

Supplement to the act, * entitled, An act for the direction of sheriffs and coroners in the return of jurors, and for the better regulation of juries. Lib. JG. No. 3. fol. 171.

* 1797, ch. 87.

BE IT ENACTED, *by the General Assembly of Maryland*, That the general court, and every county court, shall at all times have power to direct talismen to be summoned to serve on juries, where, but such talismen, there would not be twenty of the original pannel, exclusive of the jury ed, from whom a jury can be formed, and if the parties, or their counsel, agree, the drawing pannel of twenty jurors in any cause may be dispensed with.

Courts to have power, &c.

CHAP. XCV.

AN ACT to authorise and empower the levy court of Saint-Mary's county to assess and levy annually a sum of money for the purposes therein mentioned. Lib. JG. No. 3. fol. 171.

WHEREAS it is represented to this general assembly, by the petition of Anne Walker, of Saint-Mary's county, that she is entirely destitute of any means of support, from extreme rty and the infirmities of old age, except from the charity of her neighbours, and praying that may pass authorising the justices of the levy court to levy annually a sum of money for her support out of the poor-house; and the prayer of the petitioner appearing reasonable, therefore,

Preamble.

BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy court for -Mary's county be and they are hereby authorised and empowered to levy annually the sum of y dollars on said county for the support and maintenance of Anne Walker, and that the same llected and paid to the said Anne Walker by the collector or collectors of Saint-Mary's county ably to the order of the levy court aforesaid.

Justices to levy money, &c.

CHAP. XCVI.

Supplement to the act, * entitled, An act for the valuation of real and personal property within this state, passed at November session, seventeen hundred and ninety-seven. Lib. JG. No. 3. fol. 172.

* 1797, ch. 89.

WHEREAS it appears to this general assembly, that part of the forty-first section of the law passed at November session, seventeen hundred and ninety-seven, relative to the valuation of and personal property within this state, subjecting the interests and estates of tenant in dower, e courtesy, and for life, to the payment only of one half the tax to be levied and assessed by commissioners on estates out of which their interests are respectively carved, is injurious and ssive to the rights of reversioners and remainder-men; for remedy whereof,

Preamble.

BE IT ENACTED, *by the General Assembly of Maryland*, That from and after the passage of this the estates of tenant in dower, tenant by the courtesy, or tenant for life, be, and the same shall ter be, assessed in the same manner, and by the same rules, that the estates of tenants in fee- e are subject to by the laws of this state.

How certain estates are to be assessed.

AND BE IT ENACTED, That the reversioner or remainder-man of a tenancy for life, by the tesy, or in dower, shall and they are hereby exonerated from the payments of any tax which by laws of this state may be levied on the estates of tenant for life, tenant by the courtesy, or nt in dower, any thing in the act to which this is a supplement to the contrary notwithstanding.

Reversioner, &c. exonerated.

CHAP. XCVII.

AN ACT for establishing a mutual insurance company against fire on houses, goods and furniture, in this state. Lib. JG. No. 3. fol. 172.

BE IT ENACTED, *by the General Assembly of Maryland*, That an insurance be established, to be called and known by the name of The George-town Mutual Insurance Company against Fire on Houses, ds and Furniture; and that for that purpose subscriptions shall be opened, under the direction ohn Mason, Francis Deakins, James M. Lingan, Thomas Beall, of George, Marsham Waring, s Dunlop and Uriah Forrest, and under such person or persons, and at such place or places, as they

An insurance established, &c.

CHAP. XCVII.

they may appoint and direct; and that as soon as one hundred thousand dollars in property, or more are subscribed for, notice shall be given in one of the Baltimore gazettes, and in the Frederick, George-town and Easton papers, for the subscribers to meet, either in person or by proxy, at George-town, who shall then agree upon such rules and regulations as the majority of them present shall find best, which shall be signed by the chairman of the meeting, which shall then be binding upon all those who shall insure their property in the said mutual insurance company, and they shall then proceed and elect, by a majority of votes of the subscribers present, their agents for the management of the business of the said company, and thenceforth they shall be considered a body politic, incorporated by this act, under the denomination aforesaid, and by that name shall have succession, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this state, or elsewhere, and may buy or sell, and do and execute every other matter and thing relative to the said company, but none of the subscribers nor their agents, shall be sued individually for any thing that relates to this insurance company in general; in case of lawsuits, or any other business, application shall be made to the agents, and they shall appear and act for and in behalf of this company; the company shall be at liberty to make from time to time, such alterations and amendments in the regulations as the majority of them may find necessary; to raise a fund to pay the sufferers, they shall agree upon certain premiums to be paid by the persons who shall have their property insured, at the time of such insurance; in order that the money may not lay idle, they shall be at liberty to employ the funds to produce interest, according as they, or a majority of the subscribers present, (convened for that purpose by one month's previous notice in one of the Baltimore gazettes, and in the Frederick, George-town and Easton papers,) shall agree upon; provided always, that they shall not do any act contrary to the laws of this state; and they shall be obliged to pay the sufferers for the losses or damages by fire on the property which they insured in said insurance company, according to the terms they shall agree upon after regular proof that the loss actually happened by fire; and if it can be proved that the owner of the property insured did cause the loss or damage wilfully, with a view of fraud, directly or indirectly, in that case he, she or they, shall not be paid, but prosecuted according to law, and if the insured have been already paid, he, she or they, shall be compelled to return what has been paid to him, her or them, with interest.

In certain cases a repartition to be made, &c.

II. AND BE IT ENACTED, That if the funds of the premiums paid on entering should not be sufficient, a repartition among the whole of the members of this mutual insurance company, that is among those who have insured their property to be mutually concerned, shall be made, and each shall pay, on demand of the cashier, his, her or their quota, according to the sum insured, and the rate of hazard at which the building wherein the goods or furniture insured are, or the goods themselves stand agreeable to the rate of the premiums; these quotas shall always be so rated as to raise and keep up a fund, so that the interest thereof may be deemed by the president and directors, (to be elected by the said company,) sufficient to pay the annual losses and expences, but no farther payment shall be made, unless the funds are reduced so as to be less than one *per centum* of the whole amount insured, unless a majority of them should agree otherwise; when such quotas are found necessary, the president is to publish in the public news-papers how much the quota is of each rate of hazard per every hundred dollars, whereupon the insured shall pay the same immediately to the cashier in whose office the property is insured; whensoever any person or persons shall neglect to pay such quotas, the assurance to him made shall cease and discontinue from the day on which the same became due until paid; and the company aforesaid shall have the same remedy against delinquent members or persons, to compel them to pay the premiums on those quotas, (if they should be found necessary by the president and directors which they may elect,) as the president and directors of the bank of Maryland have against delinquent persons; as there may be persons who would not wish to join the mutual concern, this mutual insurance company shall be at liberty to insure the property of such persons, on such terms and conditions as they may agree upon.

CHAP. XCVIII.

Passed 19th of Jan. 1799.

An ACT authorising Nicholas Watkins, one of the collectors of Anne-Arundel county, to complete his collections. Lib. JG No. 3. fol. 174.

Preamble.

WHEREAS Nicholas Watkins, one of the late collectors of Anne-Arundel county, hath set forth by his petition to this general assembly, that there is still due to him as collector a considerable sum of money, which he has been unable to collect because of indisposition, and prays that a longer time may allowed him to complete the collection of the same;

II.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid Nicholas Watkins be and hereby authoriſed to collect all balances due him as collector for the laſt year at any time before ſt day of September next, in the ſame manner as he could or might have done whilſt he was tor, any law to the contrary notwithſtanding. CHAP. XCVIII. N. Watkins to collect, &c.

PROVIDED ALWAYS, AND BE IT ENACTED, That the ſaid Nicholas Watkins, before he pro- to execute or diſtrain the property of any perſon or perſons for taxes, ſhall, at leaſt ten days ſuch execution or diſtreſs, deliver to the perſon chargeable with the ſame an account, written ds at full length, of all the taxes demanded of him, her or them, with an affidavit annexed ſame, that he hath not, to the beſt of his knowledge, received any part thereof, nor any in ſecurity or ſatisfaction for the ſame, more than the credits given; and provided alſo, that id Nicholas Watkins, before he derives any benefit from or under this act, ſhall lodge his ion books in the clerk's office of Anne-Arundel county court, to be there open to the in- n of all perſons intereſted in the ſame. Proviſo.

CHAP. XCIX.

CT to authoriſe an exchange of lands between John Eversfield and the other repreſentatives Matthew Eversfield, late of Prince-George's county. Lib. JG. No. 3. fol. 175. A Private Act. Paſſed 19th of Jan. 1799.

CHAP. C.

upplement to the act, * entitled, An act to regulate and diſcipline e militia of this ſtate. Lib. JG. No. 3. fol. 176.

* 1793, ch. 55.

IT ENACTED, *by the General Aſſembly of Maryland*, That if any perſon, whoſe duty it ſhall be o meet and muſter under the proviſions of this act, or the act to which this is a ſupplement, not attend on any day of meeting preſcribed by any officer authoriſed to require the ſame, or ing, ſhall refuſe to do the duties of his ſtation at ſuch meeting, ſuch perſon, if a non-commiſſi- ficer or private, ſhall, at the diſcretion of a company court-martial, to be appointed as herein directed, be fined a ſum not leſs than ſeventy-five cents, nor exceeding five dollars; and if a ſſioned officer ſhall refuſe or neglect to attend at any company, battalion or regimental meet- e ſhall be fined, at the diſcretion of a regimental court-martial, not leſs than five dollars, nor han fifty dollars. Penalty for not attending, &c.

AND BE IT ENACTED, That the captain, or other commanding officer of each company, ſhall t the non-commiſſioned officers of his company, and if any perſon ſo appointed ſhall accept, glect to do the duties annexed to his appointment, or refuſe or neglect to obey the orders of erior officers, he ſhall forfeit and pay a ſum not exceeding ten dollars, in the diſcretion of the ſſioned officers of the company, without a ſufficient excuſe for his refuſal or neglect. Captain to appoint the non-commiſſioned officers, &c.

AND BE IT ENACTED, That in all caſes where ſuch fine or fines may be incurred in conſe- of non-attendance, or otherwiſe, the court-martial ſhall, at the next meeting day of the y, and at the place of ſuch meeting, proceed to hear and determine on the excuſes of every elinquent, and if ſuch delinquent ſhall, on ſuch hearing, be adjudged liable to a fine, or if erſon ſhall not attend on notice, without a good excuſe for ſaid neglect, and thereupon be con- liable to a fine, the captain, or other officer, (as the caſe may be,) commanding the ſaid y, ſhall, within two months thereafter, make return of ſaid fines ſo impoſed and remaining to the lieutenant-colonel commanding the regiment, or commanders of extra battalions; and captain or other commanding officer as aforeſaid ſhall neglect or refuſe as aforeſaid, he ſhall and pay the ſum of ten dollars, and the lieutenant-colonel or commander of an extra battali- l place ſuch fine in the liſt to be delivered to the ſheriff, and the ſame ſhall be collected by him, id over and applied as other fines are to be collected, paid over and applied, under this act. Court-martial to hear excuſes, &c.

AND BE IT ENACTED, That all officers removing out of the county, or, if a general officer, his diſtrict, with an intention of making a permanent reſidence, ſhall, on ſuch removal, be to have reſigned his commiſſion; and it ſhall be the duty of every officer commanding a regi- or extra battalion, to make known any vacancy which may take place as ſoon as convenient uch vacancy ſhall happen, to the brigadier, or officer commanding the brigade, who is hereby d to report the ſame to the adjutant-general as ſoon as may be thereafter. Officers removing deemed to have reſigned, &c.

AND BE IT ENACTED, That the following articles, rules and regulations, ſhall be thoſe by the militia of this ſtate ſhall be governed. Articles for the government of the militia.

CHAP. C.

ARTICLE 1. If any field or other commiſſioned officer, at any regimental, battalion or com meeting, or any other occaſion when the regiment, battalion or company, to which he may be or in which he holds a command, is paraded, ſhall appear, miſbehave or demean himſelf, in an officer-like manner, he ſhall, for ſuch offence, be caſhiered, or puniſhed by fine, at the diſcretion a court-martial, as the caſe may require, in any ſum not exceeding fifty dollars, nor leſs than dollars; that for offences againſt the militia law of this ſtate, all company officers ſhall be tried regimental court-martial, but in caſes of caſhiering, they may have an appeal to a brigade c martial; all field and ſtaff-officers ſhall be tried by a brigade court-martial, and all general o ſhall be tried by a diviſion or general court-martial; and that the proceedings of every court-ma in caſe of ſentence for caſhiering, be tranſmitted to the commander in chief to approve or diſap of; and if any non-commiſſioned officer or private ſhall, on any occaſion of parading the comp which he belongs, appear drunk, or ſhall diſobey orders, or uſe any reproachful or abuſive lan to his officers, or any of them, or ſhall quarrel himſelf, or promote any quarrel among his fe ſoldiers, he ſhall be diſarmed, and put under guard, by order of the commanding officer pre until the company is diſmiſſed, and ſhall be fined, at the diſcretion of the company court-marti any ſum not exceeding twenty dollars, nor leſs than ſeventy-five cents.

ARTICLE 2. If the lieutenant-colonel or commanding officer of any regiment, battalion or battalion, ſhall neglect or refuſe to give orders for aſſembling his regiment, battalion or extra b lion, at the times appointed by law, at the direction of the inſpector of the brigade to wh belongs, when the inſpector is thereto commanded, or in caſe of an invaſion of the ſtate, he ſh caſhiered, or puniſhed by fine, not exceeding two hundred dollars, nor leſs than twenty dolla the diſcretion of a brigade court-martial; and if the commanding officer of any company sh any ſuch occaſion, neglect or refuſe to give orders for aſſembling the company to which he be or any part thereof, at the direction of the lieutenant-colonel or commanding officer of the reg battalion or extra battalion, to which ſuch company belongs, he ſhall be caſhiered, or puni fine, not exceeding one hundred dollars, nor leſs than ten dollars, at the diſcretion of a regi court-martial; and a non-commiſſioned officer offending in ſuch caſe ſhall be fined, at the diſc of a company court-martial, in any ſum not exceeding twenty dollars, nor leſs than five dollar

ARTICLE 3. If any captain or commanding officer of a company ſhall refuſe or neglect to m liſt of the perſons noticed to perform any tour of duty, and ſend or convey the ſame to the li nant-colonel or commanding officer of the regiment or extra battalion to which ſuch compan belong, for ſuch neglect or refuſal he ſhall be caſhiered, or fined, at the diſcretion of a regi court-martial, in any ſum not exceeding one hundred dollars, nor leſs than ten dollars.

ARTICLE 4. Every general court-martial ſhall conſiſt of thirteen members, one of whom a ſhall be a general officer, and none under the grade of a field-officer.

ARTICLE 5. Every diviſion court-martial ſhall conſiſt of thirteen members, two thirds of wh leaſt to be field-officers.

ARTICLE 6. Every brigade court-martial ſhall conſiſt of thirteen members, all of whom s commiſſioned officers, and of ſuch rank as the caſe may require.

ARTICLE 7. Every regimental court-martial ſhall be compoſed of five commiſſioned officers.

ARTICLE 8. Every company court-martial ſhall conſiſt of one ſubaltern officer, one non-co oned officer, and one private, to be ſelected from the company by the captain or other comm officer of the company; and it ſhall be the duty of every captain or other commanding offic company to appoint, at each meeting of the company, a company court-martial, to try the quencies of ſuch meeting, the court-martial to aſſemble and try ſuch delinquencies at the ſucc meeting of the company, and the commiſſioned officer ſhall be the preſident of ſuch court-mart

ARTICLE 9. In any court-martial not leſs than two thirds of the members muſt agree in eve tence for inflicting any penalty, otherwiſe the perſon charged ſhall be acquitted.

ARTICLE 10. The preſident of each and every court-martial ſhall require all witneſſes, in to the trial of offenders, to declare on oath, or affirmation, as the caſe may be, that the ev they ſhall give is the truth, the whole truth, and nothing but the truth; and the members of a courts ſhall take an oath, or affirmation, which the preſident is required to adminiſter to th follows: "You and each of you do ſwear, (or affirm, as the caſe may be,) that you will w "truly try, and impartially determine, all cauſes to be tried by this court, according to th "for regulating and governing the militia of the ſtate of Maryland; ſo help you God;" and t ſident ſhall take the ſame oath, to be adminiſtered by any member of the court-martial.

ARTICLE 11. All perſons called as witneſſes in any caſe before a court-martial, who ſhall to attend and give evidence, ſhall be fined, at the diſcretion of the ſaid court, not exceeding dollars, nor leſs than ſeventy-five cents.

ARTICLE 12. No officer, being charged with tranſgreſſing any of theſe rules, ſhall be ſuff do duty in the regiment, company or troop, to which he belongs, until he has had his tr

er enſuing, account for the amount of ſuch liſts to the paymaſters aforeſaid; and ſhould any ſo charged with fines, refuſe or neglect to pay the ſame on or before the tenth day of Auguſt year, the ſheriff is hereby directed and authoriſed to execute for the ſame, either by diſtreſs le for the recovery thereof, in the ſame manner as is directed in the collection of the county es, or in caſe no property can be found, then and in ſuch caſe the ſaid ſheriff may execute the ſo chargeable, and confine him in priſon until the ſame is ſatisfied, with coſts of impriſon- or until the perſon is otherwiſe legally diſcharged; and the ſaid ſheriff ſhall, for the collection fines in virtue of this act, be allowed ſix *per cent.* commiſſion, as a compenſation for his ſer- and in caſe the ſaid ſheriff ſhall refuſe or neglect to pay over any ſum or ſums of money by ceived, or which he ſhall be anſwerable for, to the paymaſters aforeſaid, by the time required s act, it ſhall and may be lawful, and the ſeveral county courts are hereby required, upon n made on behalf of any of the paymaſters aforeſaid, and on their producing to the court be- whom ſuch motion ſhall be made a ſtated account of the demand, ſupported by ſuch affidavit or er as the court ſhall reaſonably require, to order a judgment to be entered, and an immediate tion to iſſue thereon againſt the perſon or property of ſuch ſheriff, to levy and compel the pay- of ſuch ſum of money ſo due and payable, provided that a copy of the demand, and notice of ntended motion, be delivered in writing to ſuch ſheriff, or left at his laſt place of abode, for ace of twenty days previous to the ſitting of the court at which ſuch application ſhall be in- d, and that proof thereof be made to the ſatisfaction of the court; and provided alſo, that if heriff ſhall, in perſon or by attorney, controvert the demand, and deſire a jury to be empan- to aſcertain the ſum of money really due and payable, the court ſhall, at the ſame term, direct to be empannelled and charged to try and aſcertain, whether the ſaid ſheriff be chargeable and liable to pay, any and what ſum or ſums to the ſaid paymaſters claiming and authoriſed to e the ſame, and the court are hereby empowered and required, upon the verdict of ſuch jury, s judgment, upon which there ſhall be no writ of error, ſuperſedeas, injunction or appeal, and rd execution thereon as upon other caſes of judgments in ſaid courts; provided, that if expiration of five days after any perſon is impriſoned under this act, he ſhall ſatisfy two s of the peace that he is unable to diſcharge the ſaid fine, the ſaid juſtices ſhall and they reby authoriſed to releaſe the perſon ſo impriſoned, and give a certificate thereof, under their and ſeals, to the ſheriff, and ſuch impriſonment and releaſe ſhall be deemed and taken in full ction of the fine and fees of impriſonment; and the ſheriff ſhall be allowed twenty-five cents y for every day ſuch priſoner ſhall be in cuſtody, and in caſe of a diſcharge as aforeſaid, the heriff ſhall lay his account for the *per diem* allowance before the levy court of his county, who evy the ſame in the county levy.

Paymaſters to pay over, &c.

II. AND BE IT ENACTED, That the paymaſters ſhall pay over to the lieutenant-colonel, or anders of extra battalions, all monies ariſing under this act by him received, within thirty days receipt of the ſame, and in caſe of refuſal or neglect, the lieutenant-colonels, or commanders ra battalions, ſhall have the ſame remedy againſt him as he has againſt the ſheriffs.

Monies may be applied, &c.

III. AND BE IT ENACTED, That the commanders of regiments and extra battalions ſhall apply h of the money ariſing from fines to be recovered under this act towards the purchaſing of s, drums and fifes, and the payment of drummers and fifers at regimental, battalion and com- meetings, eſtabliſhed by this law, as will be ſufficient to purchaſe and provide the ſame, and an account thereof annually to the treaſurer of the weſtern or eaſtern ſhore; and that the ommanders pay into the treaſury of their reſpective ſhores ſuch balances as may remain in their after ſatisfying the purpoſes aforeſaid.

One company of infantry to each regiment, &c.

III. AND BE IT ENACTED, That there ſhall be one complete company of infantry annexed to egiment within this ſtate, to be furniſhed with arms and accoutrements at the expence of the ſo far as the ſtate may now be in poſſeſſion of them; that the ſaid companies ſhall conſiſt of aptain, one lieutenant, one enſign, four ſerjeants, four corporals, one drummer, one fifer and our privates, and ſhall be compoſed of men between the ages of twenty-one and thirty years, ot the commiſſioned officers,) taken from the regiment to which ſaid company ſhall be attached, all always be complete, either by volunteers, or draughts from the regiment; and the privates on-commiſſioned officers of the ſaid company, as they ſhall reſpectively arrive at the age of years, ſhall be diſmiſſed from the company, and their vacancies filled by volunteers, or nts from the regiment, in the ſame manner as the company is originally formed; and the per- o diſmiſſed from the company ſhall deliver their arms and accoutrements in good order to the anding officers of the company, and ſhall be ſubject to militia duty in the ſame manner as other ns above the age of thirty years.

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Captains to make out lists, &c.

XXIV. AND BE IT ENACTED, That it shall be the duty of every captain, or other commanding officer of a company, to make out a list in writing of all the privates and non-commissioned officers of his company on or before the first of April next, noting in the same the age of every person, and a copy thereof, when so made out, shall return to the lieutenant-colonel of his regiment; and it shall be the duty of the lieutenant-colonel of each regiment, within twenty days after receiving the said lists, to make out a correct list of all the persons between the ages of eighteen and twenty-one years, and between the ages of twenty-one and thirty years, and the said lists, when so made out, shall keep in his possession, to be referred to whenever occasion may require; and the said lieutenant-colonel shall advertise immediately thereafter in eight different places in his district, requiring persons belonging to his regiment between the ages of twenty-one and thirty years, to assemble at some convenient place, to be by him named, for the purpose of offering themselves as volunteers or submitting to a draught, to complete the select militia of this state; and the said lieutenant-colonel on the day fixed, and between the hours of twelve and four of the said day, shall accept such volunteers as may offer themselves for the purposes of this act, and if volunteers sufficient should not offer themselves, the said lieutenant-colonel shall proceed to draught, from the persons between the ages of twenty-one and thirty years belonging to the said regiment, a sufficient number to make up the deficiency, and if no volunteers should offer, the whole number shall be made up by draught.

Extra battalions to furnish, &c.

XXV. AND BE IT ENACTED, That the extra battalions of each county shall furnish their due portion of volunteers or draughts for the company or companies, as the case may be, and the major commanding extra battalions shall have the same powers of receiving volunteers or draughting as are given to the lieutenant-colonel, and if the lieutenant-colonel and major of extra battalions cannot agree on the proportion to be furnished, the brigadier shall proportion the number, and shall also direct to which company or companies they shall belong.

Penalty for concealing age, &c.

XXVI. AND BE IT ENACTED, That if any person, when called on by the captain, or other commanding officer of his company, shall wilfully conceal his true age, the person so offending shall be fined, at the discretion of a company court-martial, a sum not exceeding five dollars, to be collected and applied as other fines imposed by this act are to be collected and applied.

Captains to note the age, &c.

XXVII. AND BE IT ENACTED, That it shall be the duty of every captain, or other commanding officer of a company, when he shall enrol a person in his company who was not before enrolled in the company, to note his age, and if the said person shall be under the age of thirty years, he shall give information thereof to the lieutenant-colonel of the regiment, who shall add the name and age of such person to the proper list to be kept by him as aforesaid; and whenever any person under the age of thirty years shall be legally discharged from a company, the captain, or other commanding officer of the said company, shall notify the same to the lieutenant-colonel, who shall note the same on the list aforesaid.

Muskets, &c. to be delivered, &c.

XXVIII. AND BE IT ENACTED, That the governor and council shall, within four months after the passage of this act, cause to be delivered to each lieutenant-colonel commanding a regiment in this state, seventy-two muskets, seventy-two bayonets, and seventy-two cartridge boxes, in good order for service, provided the state be in possession of the number required, and the said lieutenant-colonel shall, immediately thereafter, deliver the same to the captain, or other commanding officer of the select company attached to his regiment, to be by him distributed to the privates and non-commissioned officers of his company.

Officers to give bond, &c.

XXIX. AND BE IT ENACTED, That the said lieutenant-colonel shall take from the commissioned officers of each select company a bond to the state, with security, in the penalty of seven hundred and fifty pounds, conditioned for the re-delivery of said arms and accoutrements when thereto required by the governor and council; and if any commissioned officer of such company shall refuse or neglect to execute such bond, such refusal or neglect shall be deemed a resignation of his command in the select company, and the governor and council shall appoint another person to fill the vacancy thus occasioned.

Penalty for using muskets, &c.

XXX. AND BE IT ENACTED, That if any private or non-commissioned officer, to whom a musket is delivered in pursuance of this act, shall use the same in hunting, gunning or fowling, or shall not keep his arms and accoutrements clean and in neat order, he shall forfeit and pay not less than one nor more than ten dollars, at the discretion of the company court-martial; and in case any non-commissioned officer or private shall neglect or refuse to deliver the same to the commanding officer of the company upon his leaving the company, or upon his being thereto required, such private or non-commissioned

martial, and every perſon ſo charged ſhall be tried as ſoon as a court-martial can conveniently mbled.

TICLE 13. If any officer or private ſhall think himſelf injured by his lieutenant-colonel, or the nding officer of the regiment or extra battalion, and ſhall, upon due application made to him, ſed redreſs, he may complain to the brigadier-general, who may, in his diſcretion, direct the or of the brigade to ſummon a brigade court-martial, that juſtice may be done.

TICLE 14. If any non-commiſſioned officer or private ſhall think himſelf injured by his captain, er ſuperior officer in the regiment, troop or company, to which he belongs, he may complain commanding officer of the regiment, who ſhall, at his diſcretion, ſummon a regimental court- l for doing juſtice according to the nature of the caſe.

TICLE 15. The officer ordering the court-martial, or in his abſence the next to him in rank, have full power of pardoning or mitigating any cenſures or penalties ordered to be inflicted on ficer, non-commiſſioned officer or private, for the breach of any of theſe articles, by ſuch martial, excepting only where ſuch cenſures or penalties are directed as ſatisfaction for injuries ed by one officer from another, ſuch ſentence to be approved by the commander in chief, who is wered to pardon or mitigate ſuch ſentence, or diſapprove of the ſame, in caſe of caſhiering only.

TICLE 16. The militia on the days of exerciſe may be detained under arms on duty in the field ime not exceeding ſix hours, provided they are not kept above three hours under arms at any me without allowing them proper time to refreſh themſelves.

TICLE 17. All fines incurred by field-officers, in conſequence of any breach of theſe articles, e paid into the hands of the inſpectors of brigades, for the uſe of ſaid brigades, under the di- n of the brigadier thereof; and all fines incurred by platoon officers, non-commiſſioned officers rivates, in conſequence of any breach of theſe articles, ſhall be paid into the hands of the lieu- t-colonel, or to ſuch perſons as the ſaid inſpector or lieutenant-colonel ſhall reſpectively appoint, n three weeks after they ſhall become due, but in caſe of any neglect or refuſal to pay any of id fines, the ſame ſhall be collected and levied in the manner herein after deſcribed.

Militia-men draughted conſidered as ſoldiers, &c.

. AND BE IT ENACTED, That in all caſes where a militia-man may be draughted to perform a f duty under the laws of this ſtate, he ſhall be conſidered as a ſoldier, and liable to all the as ſuch, unleſs he ſhall furniſh a ſubſtitute, and the lieutenant-colonel of the regiment, or anding officer of the extra battalion, as the caſe may be, to which he may belong, ſhall be the dge of the qualification of ſaid ſubſtitute, and may receive or reject him at his diſcretion, and ſaid ſubſtitute ſhould be rejected, the lieutenant-colonel may proceed to furniſh one in the er preſcribed by the act to which this is a ſupplement, ſaving the right of appeal given by the ct.

Certain perſons to pay, &c.

I. AND BE IT ENACTED, That all perſons conſcientiouſly ſcrupulous of bearing arms, and who to do militia duty under this law, ſhall be liable to pay the ſum of three dollars annually, to covered and applied by the lieutenant-colonel as other militia fines by this law are; and that ighteenth ſection of the act to which this is a ſupplement ſhall be and the ſame is hereby led.

Powers given to commanders of extra battalions.

II. AND BE IT ENACTED, That in all caſes where there are extra battalions, the officer com- ing every ſuch extra battalion ſhall have the ſame powers that are by this law given to the nant-colonel of any regiment; and on days of battalion meetings, the officer commanding ſhall the ſame powers as the commandants of regiments of appointing courts-martial, and regu- the ſame.

By-ſtanders may be confined, &c.

. AND BE IT ENACTED, That if any by-ſtander ſhall interrupt, moleſt or inſult, any officer or r while on duty at any muſter, or ſhall be guilty of like conduct before any court as aforeſaid, ommanding officer, or ſuch court, may cauſe him to be confined for the day.

In caſe of invaſion militia may be ordered out, &c.

AND BE IT ENACTED, That if a ſudden invaſion ſhall be made into any county in this ſtate, caſe of an inſurrection in any county, the commanding officer in ſuch county is hereby autho- and required to order out the whole, or ſuch part of his militia as he may think neceſſary, and ch manner as he may think beſt, for repelling ſuch invaſion or ſuppreſſing ſuch inſurrection, and call on the commanding officers of regiments in the adjacent counties for ſuch aid as he may neceſſary, who ſhall forthwith, in like manner, furniſh the ſame; and it ſhall be the duty of commanding officer aforeſaid to communicate to the commander in chief, as ſoon as poſſible, mation reſpecting the ſaid inſurrection or invaſion; and for aſſembling the militia required upon occaſions, or by orders of the executive, the ſame meaſures ſhall be taken to ſummon them as

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is directed in the caſe of muſters; but no militia officer, other than the commander in chief of militia of this ſtate, ſhall order out any part of the militia of this ſtate to ſuppreſs any inſurrec within the ſame, unleſs required ſo to do by three juſtices of the peace, in writing, under t hands and ſeals.

Captains to give notice, &c.

XI. AND BE IT ENACTED, That it ſhall be the duty of every captain or other commanding of of a company, to give notice of every muſter-day to the non-commiſſioned officers of the comp who ſhall immediately thereupon give notice thereof to each private of the company, either ſonally, or by leaving a notice in writing at the place of abode of ſuch private.

Brigadier to appoint days, &c.

XII. AND BE IT ENACTED, That it ſhall be the duty of the brigadier-general to appoint the of meeting of each regiment, battalion and extra battalion, ſo that it will be in the power of brigade inſpector to attend the ſaid meetings, and if the brigade inſpector neglects to attend on reſpective days ſo appointed by the brigadier, he ſhall be ſubject to a fine, to be impoſed by the manding officer of ſuch regiment or battalion, not exceeding thirty dollars, nor leſs than ten dol unleſs he can make a reaſonable excuſe to the commanding officer of the regiment or battalion w he was to attend.

Brigade inſpector to attend, &c.

XIII. AND BE IT ENACTED, That it ſhall be the duty of the brigade inſpector to attend brigadier-general when required, to receive and execute all orders neceſſary to carry into effect proviſions of this law, and upon refuſal or neglect, to be ſubject to a fine, not exceeding t dollars, nor leſs than ten dollars, unleſs he can make a reaſonable excuſe to the commanding o of the brigade.

Adjutant to attend, &c.

XIV. AND BE IT ENACTED, That it ſhall be the duty of the adjutant of each regiment to at and execute the orders of the commanding officer of the regiment, or extra battalions, neceſſar carry into effect the proviſions of this law, and upon refuſal or neglect, to be ſubject to a fine exceeding fifteen dollars, nor leſs than five dollars, at the diſcretion of a regimental court-mar unleſs he can make a reaſonable excuſe to the commanding officer of the rigiment or extra batta which he was to attend.

Penalty for appearing without arms, &c.

XV. AND BE IT ENACTED, That if any non-commiſſioned officer or private, who has a muſke gun, ſhall appear in the ranks, or at any time during exerciſe, without it, he ſhall be fined, a diſcretion of a company court-martial, in a ſum not exceeding four dollars, nor leſs than fifty c unleſs he can make a reaſonable excuſe to the commanding officer of the company, battalion, e battalion or regiment, as the caſe may be.

Company exempt, &c.

XVI. AND BE IT ENACTED, That the company in Waſhington county now under the direc of captain Johnſon, near Hancock-town, be exempt from exerciſing in battalion or regiment directed by this law.

Field-officers to appoint a day, &c.

XVII. AND BE IT ENACTED, That the field-officers now having, or that may hereafter have command of the militia of Allegany county, be and they are hereby authoriſed and empowere appoint ſome day or days, not exceeding four in each year, for the perſons compoſing, or who hereafter compoſe, the militia of ſaid county, to meet and exerciſe at ſuch place or places in county as the field-officers of ſaid county may deem convenient, in battalion or companies, as be moſt expedient, inſtead of meeting in regiment.

Perſons liable to fines, &c.

XVIII. AND BE IT ENACTED, That the perſons compoſing, or who may hereafter compoſe, militia of ſaid county, ſhall be liable to the ſame fines and forfeitures for not attending at ſuch m ing or meetings aforeſaid as they would have been liable to in not attending the meetings in r ment or battalions.

To be only one meeting, &c.

XIX. AND BE IT ENACTED, That the field-officers of ſaid county ſhall not direct more than meeting of each battalion in ſaid county in any one year.

Colonels to make out liſts, &c.

XX. AND BE IT ENACTED, That the lieutenant-colonels or commanders of extra battalions ſh on or before the firſt day of March in each year, make out three liſts of fines impoſed in virtu this act, one of which they ſhall return to the treaſurer of his ſhore, another to the paymaſte the regiment or extra battalion, and the other he ſhall deliver to the ſheriff of his county for lection, and take his receipt therefor; and the ſaid ſheriff ſhall, on or before the twentieth da

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ed officer shall forfeit and pay the sum of twenty dollars, and it shall be the duty of every y court-martial to inquire into and punish delinquencies of this kind, in the same manner and same times they inquire into and punish other delinquencies.

Officers to be selected, &c.

XI. AND BE IT ENACTED, That the governor and council shall select, appoint and commission, nong the militia officers of each regiment, one captain, one lieutenant and one ensign, to com- he select company.

Select companies to meet, &c.

XII. AND BE IT ENACTED, That the said select companies shall meet at every regimental and n meeting, and on some day in the same months in which other companies of militia are by dered to meet, and shall in all respects be subject to the same fines to which the general militia ject.

To be considered as light infantry, &c.

XIII. AND BE IT ENACTED, That each of the said companies shall hereafter be considered as ht infantry company attached to their respective regiments, but the governor and council shall confined to the light infantry companies, as now existing, for selecting the officers to com- he said companies; and the lieutenant-colonel shall, upon the appointment of any officers to mmand of the said companies, remove the officers now commanding the light infantry com- to supply the vacancies occasioned by the appointment to the select companies.

And may be ordered out, &c.

XIV. AND BE IT ENACTED, That the select companies of infantry, or such and so many of s the commander in chief of the militia of this state shall think requisite, may at any time by ordered into service, without any draught made, and when called into service shall be subject rules and regulations of the articles of war, and when in actual service shall be entitled to the ay, rations, as troops in the service of the United States.

Any part may be ordered on service, &c.

XV. AND BE IT ENACTED, That in case of insurrection within, or invasion of, any part of te, the said troops, or any of them, may be ordered on service by the brigadier-general, or general of the district in which said troop is raised; but no militia officer, other than the com- r in chief of the militia of this state, shall order out any part of the militia of this state to s any insurrection within the same, unless required so to do by three justices of the peace, in , under their hands and seals, and it shall be the duty of the commanding officer aforesaid to nicate to the commander in chief, as soon as possible, information respecting the said insur- or invasion.

Parts of an act repealed.

XVI. AND BE IT ENACTED, That all such parts of the act to which this is a supplement as consistent with the provisions of this act, shall be and the same are hereby repealed.

Duration.

XVII. This act to continue and be in force until the twentieth day of October, one thousand hundred and one, and until the end of the next session of assembly that may happen there-

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Passed 20th of Jan. 1799.

AN ACT for amending, and reducing into system, the laws and re- ulations concerning last wills and testaments, the duties of exe- utors, administrators and guardians, and the rights of orphans nd other representatives of deceased persons. Lib. JG. No. 3. l. 187.

Preamble.

WHEREAS the laws and regulations relative to the estates of deceased persons, comprehend- ing a great variety of subjects, and interesting to citizens of every description, not only are e complicated and difficult to be understood, but are found by experience to be greatly inade- to the purposes for which they were framed;

Every former provision, &c. repealed.

BE IT ENACTED, *by the General Assembly of Maryland*, That every provision, rule or regulation, ned in any act of assembly heretofore passed, or in any English statute introduced, used or prac- nder, in this state, which is inconsistent with, or repugnant to, any thing contained in this and it is hereby repealed and rendered utterly void and of no effect.

III. AND

CHAP. CI. Rules, &c. to be the law of the land.

III. AND BE IT ENACTED, That the following rules, orders and regulations, shall be taken and considered, in all courts, tribunals and offices, and by all judges, justices and officers in this to be the law of the land.

CHAP. 1. How wills shall be made, and their effect.

1. ALL lands, tenements and hereditaments, which might pass by deed, or which would, in of the proprietor's dying intestate, descend to, or devolve on, his or her heirs or other repres tives, except estates tail, shall be subject to be disposed of, transferred and passed, by his or her will, testament or codicil, under the following restrictions.

2. No will, testament or codicil, shall be effectual to create any interest or perpetuity, or any limitation, or appoint any uses, not now permitted by the constitution or laws of the state.

3. No will, testament or codicil, shall be good and effectual for any purpose whatever, unless person making the same be, at the time of executing or acknowledging it as hereafter directed sound and disposing mind, and capable of executing a valid deed or contract. No will, testament codicil, shall be good and effectual to pass any interest, or estate in any land, tenement, or inc real hereditament, unless the person making the same, if a male, be of the full age of twenty years, and if a female, of the full age of eighteen years.

4. All devises and bequests of any lands or tenements, devisable by law, shall be in writing signed by the party so devising the same, or by some other person in his presence, and by his express directions, and shall be attested and subscribed, in the presence of the said devisor, by three or credible witnesses, or else they shall be utterly void and of none effect; and moreover, no devise writing of lands, tenements or hereditaments, or any clause thereof, shall be revocable, other than by some other will or codicil in writing, or other writing declaring the same, or by burning cancelling, tearing or obliterating the same by the testator himself, or in his presence, and by directions and consent; but all devises and bequests of lands and tenements shall remain and con in force until the same be burnt, cancelled, torn or obliterated, by the testator, or his direction manner aforesaid, or unless the same be altered by some other will or codicil in writing, or writing of the devisor, signed in the presence of three or four witnesses, declaring the same former law or usage to the contrary notwithstanding.

CHAP. 2. How wills shall be authenticated or proved.

1. IF any person, to whom a will or codicil hath been or shall be delivered by the party mak for safe custody, shall alter or destroy the same, without the direction of the said party, or wi secrete it for the space of six months after the death of the party shall be known to him or her conviction thereof the person so offending shall be sentenced to such punishment as is inflicted by in cases of grand larceny.

2. It shall be lawful for any private person, in whose possession or custody a will or codicil sha after the death of the testator or testatrix, to open and read the same in the presence of any re latives of the deceased, who may conveniently have notice thereof, and of other persons, and mediately thereafter to deliver the said will or codicil to the register of wills, or the register or of any office in the county authorised to record wills, whose duty it shall be to keep the same until proceedings may be had for proving the same in the said office, or until it be demanded executor, or other person authorised to demand it, for the purpose of having it proved accordi law.

3. If any private person, in whose possession or custody a will or codicil shall be, after the of the testator or testatrix, shall wilfully neglect to deliver the same to the register of wills, register or clerk of any office proper for recording wills in the county where the said person re or where it is proper to prove the same, or to some executor named in the will, for the space of calendar months after the death of the testator or testatrix shall be known to the said person, she, thus offending, shall be subject, on conviction in a court of law, to such fine as the court in their discretion think proper.

4. An attested copy, under the seal of office, of any will, testament or codicil, recorded in office authorised to record the same, shall be admitted as evidence in any court of law or eq provided that the execution of the original will or codicil be subject to be contested until a p hath been had according to this act.

5. Any will, or codicil, containing any disposition relative to goods, chattels or personal e may be proved in the county where most of the witnesses reside, or in the county in which le testamentary or of administration may be granted.

6. If any will or codicil, making any disposition relative to goods, chattels, or personal prop or rights, or appointing an executor, be exhibited for proof to the register of wills in the co wherein the will may be proved, in the recess of the court, and any of the next relations of the ceased shall attend, and make no objections, or enter no caveat, or if it shall appear that reasona notice hath been given to such of the next relations as might conveniently be therewith serve

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of exhibiting the ſaid will or codicil, and no perſon ſhall object, or enter a caveat, the re- ll thereupon proceed to take the probat, and to grant letters teſtamentary accordingly.
ny ſuch will or codicil, reſpecting perſonal property, or appointing an executor, be exhi- probat to the orphans court of the county where the ſame may be proved, and any of the tions of the deceaſed ſhall attend, or if notice ſhall appear to have been given as aforeſaid, aveat ſhall have been made againſt the ſaid will or codicil, the ſaid court may forthwith pro- ake the probat of ſuch will or codicil.
ny ſuch will or codicil, reſpecting perſonal property, or appointing an executor, be exhi- the orphans court, and none of the near relations of the deceaſed ſhall attend, and no notice ear to have been given, the ſaid court may either direct ſummons to the ſaid near relations, one or more of them, to appear, on ſome fixed day, to ſhew cauſe wherefore the will or co- uld not be proved, or direct ſuch notice to be given in the public papers, or otherwiſe, as think proper; and if no objection ſhall be made, or caveat entered on or before the day e ſaid court, or the regiſter of wills in their receſs, may proceed to take the probat of ſuch odicil; but if objection ſhall be made, on or before the day appointed, the ſaid court ſhall gnizance of the affair, and ſhall determine according to the teſtimony produced on both

ny perſon whatever ſhall enter a caveat againſt any ſuch will or codicil reſpecting perſon- rty, or appointing an executor, either before or after it ſhall be exhibited to the regiſter of rphans court, the ſaid caveat ſhall be decided by the ſaid court.
caſe any perſon ſhall enter a caveat againſt any will or codicil, reſpecting perſonal proper- pointing an executor, of which probat ſhall have been taken by the regiſter as aforeſaid, no ſtamentary ſhall be granted, until a determination ſhall be had in the orphans court.
caſe the adjudication of any orphans court, to whom any ſuch will or codicil, reſpecting property, or appointing an executor, ſhall be exhibited for probat, ſhall be againſt the ſaid odicil, it ſhall not be received for probat in any other county; provided nevertheleſs, that rty conceiving him or herſelf aggrieved by the deciſion of the ſaid court, relative to the ay, within three days after ſuch deciſion, enter an appeal to the court of chancery, or the ourt of the ſhore whereon ſuch orphans court is held; and the ſaid appeal ſhall ſtay further gs of the orphans court, provided an atteſted copy of the whole proceedings, under the e office, be filed in the ſaid chancery court, or general court, within ſixty days thereafter; decree of the chancery court, or general court, to be given on the tranſcript only, ſhall be concluſive; and the orphans court ſhall proceed according to the ſaid decree, an atteſted reof ſhall be tranſmitted, under ſeal, to the orphans court.
no objections ſhall be made to the probat of a will or codicil, reſpecting perſonal property, ting an executor, or no caveat ſhall be filed againſt the ſame before probat, it ſhall not be to examine all the witneſſes, unleſs they ſhall voluntarily attend, but the probat may be ſuch proof as ſhall be ſufficient to give efficacy to a will or codicil for paſſing perſonal pro- ovided that every executor, or other perſon, exhibiting a will, ſhall be examined, on oath, tion, as the caſe may be, whether or not he or ſhe knows of any other will or codicil, and anner the will or codicil exhibited came to his or her hands.
the probat of any will or codicil be taken as aforeſaid, without conteſt, any perſon, before ſtamentary, or of adminiſtration with a copy of the will, ſhall be actually granted, may file to the court, praying that the caſe be again examined and heard, and thereupon the or- rt ſhall delay the granting of letters, until a deciſion ſhall be had on the ſaid petition; and etters ſhall have been granted, and any perſon ſhall file ſuch petition, and the court, on oth ſides, that is to ſay, the petitioner and the grantee of ſuch letters, ſhall decide againſt t, the letters aforeſaid ſhall be revoked, and the power of the party, under the ſaid letters, ; and the ſaid will ſhall not be proved in any other county, unleſs the deciſion be reverſed rt of chancery or general court; and no nuncupative will ſhall be proved within fourteen the death of the teſtator, unleſs his widow (if any) and ſome one of the next of kin, have moned to conteſt the ſame, if they pleaſe.

CHAP. 3.

How and of whom letters teſtamentary or of adminiſtration are to be obtained.

EN any will or codicil, reſpecting perſonal property, ſhall have been authenticated as afore- proved as aforeſaid before the regiſter of wills, or orphans court, letters teſtamentary may be committed to the executor, executrix or executors, named in the ſaid will or codicil; the ſaid executor or executrix, or each of the executors, ſhall execute a bond to the ſtate nd, with two good ſureties, approved by the ſaid regiſter or orphans court, as the caſe may and in ſuch penalty as the ſaid regiſter or court may require, conditioned for the faithful nce of the truſt in him or her repoſed as executor or executrix, to be lodged and recorded d regiſter's office, and ſubject to be put in ſuit as hereafter mentioned.

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2. If the executor or executrix, or all the executors named in a will, who shall not have ren in the manner hereafter directed, shall, in due time, procure an attested copy of the said w of the authentication or probat, under the seal of the office where it was authenticated or p and shall produce the same to the orphans court, or in its recess to the register of wills, in an ty wherein is personal property of the testator or testatrix to be administered, the said will, authentication or probat thereof, shall be there recorded; and letters testamentary may be to the said executor or executrix, or all the executors, not renouncing, by the said court, recess by the said register, at any time within forty days from the date of the said copy, on or their executing bond or bonds as aforesaid; and in case of sickness of, or accident to, or ble excuse made in behalf of, any such executor or executrix, the said court, or register, ma a further time, not exceeding thirty days, for filing such bond, and taking such letters; b case shall letters testamentary be granted in such county after the expiration of such time or in any other county except that wherein the will was authenticated or proved; and it sha duty of such executor or executrix to transmit to the court where the will was authenticated or a certificate, under seal of the register of wills of the county wherein letters testamentary sh been granted, to shew that such letters have been granted.

3. If there be only one executor or executrix named, and he or she shall have been presen authentication or probat of the will, and shall not, within thirty days thereafter, file a bond a said, or procure an attested copy under seal as aforesaid, for the purpose of taking letters as a in another county, letters of administration, with the copy of the will annexed, may be gr the orphans court of the county wherein was the probat or authentication, to such perso might be granted to in case of intestacy; and if the said executor or executrix, so procuri tested copy, shall not obtain letters testamentary in some other county, within seventy days date of the copy, letters of administration may be granted as aforesaid by the orphans cou county where the will was proved or authenticated; and it shall not be incumbent on the p plying for or taking such letters of administration, to shew that letters testamentary have obtained in some other county on the copy aforesaid; but such letters of administration sha granted, if it shall be proved to the court, by affidavit, or certificate under the seal of offi they shall have reason to believe, that such letters testamentary have been granted in a cou per for granting them.

4. In case the said sole executor or executrix shall not have been present at the authenti probat, but shall have been within the state, a summons may issue against him or her, eithe instance of a person interested, or *ex officio* by the orphans court, or (in their recess) the re wills of the county wherein the will was authenticated or proved, returnable not less than nor more than sixty days after date; and if the summons shall be returned "summone the executor or executrix shall not appear accordingly, or appearing shall not, within days thereafter, file a bond or bonds as aforesaid, or if two such summonses shall be return *est*," and the party shall not appear according to the tenor of the second summons, or appear not, within twenty days thereafter, file a bond as aforesaid, letters of administration may be as aforesaid; provided nevertheless, that in case of sickness of, or accident to, such execut ecutrix, or reasonable excuse made in his or her behalf, the court may, at discretion, allow time, not exceeding forty days after such return or appearance, for filing such bond.

5. If the said sole executor or executrix be out of the state at the time of authentication bat, and shall not, within six months thereafter, return and file a bond as aforesaid, letters nistration may be granted as aforesaid; but in case the said executor be out of the state as and shall return, at any time before the expiration of the said six months, in order to exp granting of letters, there may be a summons, and the same proceedings thereon, as if he or been in the state at the time of authentication and probat, and upon the said proceedings administration may be granted before the expiration of six months; but it shall not be held to proceed by summons as aforesaid, in case the party be as aforesaid out of the state at the authentication or probat, and shall return as aforesaid; but letters of administration, after ration of the said six months, may be granted, without such proceeding by summons against cutor or executrix so returning.

6. If there shall be more than one executor or executrix named in a will containing any di relative to any personal estate, there may be the same proceedings with respect to each of if he or she were the only executor or executrix named; and any circumstances, under which of administration may be granted, on failure of a sole named executor or executrix, shall a the granting letters testamentary to one or more of the executors, on the failure of one or the rest; and any circumstances under which letters of administration may be granted, on a sole named executor or executrix, shall authorise the granting of such letters of administr failure of all the executors; and in no case, where there are several executors named in a w

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eſtamentary be granted to one only, or to any number of them leſs than the whole, or ſhall f adminiſtration be granted, until there ſhall be ſuch proceedings againſt each of them fail- would authoriſe the iſſuing letters of adminiſtration in caſe of the failure of a ſole named ex-

ny executor or executrix named in a will ſhall file, or tranſmit to the orphans court of the herein the will ſhall have been authenticated or proved as aforeſaid, an atteſted renuncia- writing of his or her truſt, there may be the ſame proceedings, with reſpect to granting eſtamentary or of adminiſtration, as if the party ſo renouncing had not been named in the ovided nevertheleſs, that any executor or executrix named in a will, ſhall be entitled, not- ding any failure or renunciation as aforeſaid, on filing a bond as aforeſaid before letters tary or of adminiſtration ſhall actually be committed to another or others as aforeſaid, to ers teſtamentary granted to him or her, or to be included therein, as the caſe may require. caſe letters teſtamentary ſhall be granted to one or more of the executors named in a will, e of the reſt, no executor or executrix, not named in the ſaid letters, ſhall in any manner with the adminiſtration, or have any greater intereſt in the eſtate of the deceaſed, than if e had not been named in the will as executor or executrix; and if letters of adminiſtration, opy of the will annexed, ſhall be granted, no executor or executrix therein named ſhall in ner interfere further with the adminiſtration, or have any greater intereſt in the eſtate , than if he or ſhe had not been named as aforeſaid; and no executor or executrix named ſhall, before letters teſtamentary ſhall be granted to him or her, have any power to diſpoſe art of the eſtate of the deceaſed, o. to interfere therewith, further than is neceſſary to nd preſerve the ſame; provided nevertheleſs, that any act of an executor or executrix a will, done before obtaining letters teſtamentary, ſhall, in caſe he or ſhe ſhall afterwards uch letters, be as valid and effectual as if the ſaid act had been done after obtaining ſuch and in caſe of a ſuit commenced by ſuch executor or executrix, it ſhall be ſufficient to pro- ſaid letters, or a certificate under the ſeal of the office where they were obtained, that e been granted to the party at any time before the trial or final hearing on ſuch ſuit; and in whatever where an exhibit of ſuch letters teſtamentary or of adminiſtration would be good ble, a certificate as aforeſaid ſhall alſo be good and available.

ſhall not be neceſſary, in any ſuit at law or equity brought by or againſt an executor, execu- executors, to make a party of any executor or executrix named in the will, who ſhall not amed in the letters teſtamentary, but the making him, her or them, a party or parties by ſhall not vitiate any proceeding for or againſt the proper party or parties.

ny bond executed by an executor or executrix, or an adminiſtrator or adminiſtratrix, as r mentioned, ſhall be recorded in the office of the regiſter of wills where adminiſtration is ; and any perſon conceiving him or herſelf intereſted in the adminiſtration of the eſtate, ntitled to, and have on demand, a copy of ſuch bond, and a certificate from the regiſter, s hand and the ſeal of his office, upon which copy and certificate an action may be maintain- e name of the ſtate, for the uſe of the party intereſted, and judgment may be recovered, h action for the damage actually ſuſtained.

he condition of the bond to be paſſed by any executor or executrix, adminiſtrator or ad- rix, ſhall be as follows, or to the following effect: "The condition of the above obligation h, that if the above bounden —— —— ſhall well and truly perform the office of executor ecutrix, adminiſtrator or adminiſtratrix, of —— ——, late of ——, deceaſed, according to nd ſhall, in all reſpects, diſcharge the duties of him (or her) required by law, as executor cutrix, or adminiſtrator or adminiſtratrix, aforeſaid, without any injury or damage to any intereſted in the faithful performance of the ſaid office, then the above obligation ſhall d; it is otherwiſe to be in full force and virtue in law."

very executor or executrix, adminiſtrator or adminiſtratrix, after filing his or her bond for performance, and before letters ſhall be committed to him or her, ſhall be required to take owing oath, or affirmation, as the caſe may require, to be adminiſtered by the regiſter of orphans court: "I —— —— do ſwear, (or ſolemnly, ſincerely and truly do affirm and e,) that I will well and truly adminiſter the goods, chattels, perſonal eſtate and credits, —— ——, late of ——, deceaſed, to the beſt of my knowledge, according to law, and will juſt account of my adminiſtration when thereto I ſhall be lawfully called; So help me God."

he following ſhall be the form of the letters teſtamentary to be granted to an executor, x or executors, under the ſeal of the orphans court: "Maryland, ſc. The ſtate of Mary- To all perſons to whom theſe preſents ſhall come, greeting. Know ye, that the laſt will eſtament of —— ——, of ——, deceaſed, hath in due form of law been exhibited, proved ecorded, in the office of the regiſter of wills for —— county, a copy of which is to theſe ts annexed, and adminiſtration of all the goods, chattels and credits, of the deceaſed, is

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" hereby granted and committed unto —— ——, the executor, executrix or executors, (or
" more of the executors,) by the ſaid will appointed. Witneſs A. B. chief juſtice of the or
" court of —— county, this —— day of ——. Teſt. C. D. regiſter of wills for —— county.

14. In caſe of delay, on account of the abſence from the ſtate of an executor, executrix or
tors, named in a will, or of a conteſt relative to the right of adminiſtration, or of a conteſt
or codicil, or of the negligence of any executor or executrix, named in the will, to take out
teſtamentary, or the abſence or negligence of any perſon entitled to letters of adminiſtration,
any other account, the orphans court of the county wherein the will was proved or authenti
or where letters of adminiſtration ought to be granted, may, at dicretion, iſſue letters, auth
the collection and preſervation of the goods of the deceaſed, and the returning an inv
thereof; and the ſaid letters may, at diſcretion of the court, be directed to one perſon only
ſeveral perſons, in caſe the goods or chattels and perſonal eſtate of the deceaſed ſhall be ſuppo
be in different counties.

15. The form of ſuch letters ſhall be as follows: " Maryland, ſc. The State of Maryland,
" perſons to whom theſe preſents ſhall come, greeting. Know ye, that whereas —— ——, of
" deceaſed, as it is ſaid, had, at his (or her) deceaſe, perſonal property within this ſta
" adminiſtration whereof cannot immediately be granted, but which, if ſpeedy care be not
" may be loſt, deſtroyed or diminiſhed; to the end, therefore, that the ſame may be preſer
" thoſe who ſhall appear to have a legal right or intereſt therein, we do hereby requeſt and
" riſe —— ——, of ——, to ſecure and collect the ſaid property, whereſoever the ſame be
" ſtate, (or in —— county or counties,) whether it be goods, chattels, debts or credits,
" make or cauſe to be made a true and perfect inventory thereof, and to exhibit the ſame,
" convenient ſpeed, together with a reaſonable account of his collection, into the office
" regiſter of wills for —— county. Witneſs A. B. chief juſtice of the orphans court for
" county. Teſt. C. D. regiſter of wills for —— county."

16. But before letters to collect ſhall be granted, the party ſhall give bond, with approve
rity, to be filed, recorded and ſued as aforeſaid, in ſuch penalty as the court ſhall direct, w
condition thereof ſhall be as follows: " The condition of the above obligation is ſuch, that
" above bounden —— —— ſhall well and honeſtly diſcharge the office of collector of the
" chattels, and perſonal eſtate and debts of —— ——, deceaſed, in the ſtate of Maryland, (o
" county,) and ſhall make, or cauſe to be made, a true and perfect inventory or inventories o
" of the ſaid goods, chattels, perſonal eſtate and debts, as ſhall come to his or her poſſeſ
" knowledge, and the ſame ſhall in due time return to the regiſter of wills of —— county, an
" alſo deliver to the perſon or perſons who ſhall be authoriſed by the orphans court of th
" county to receive them, ſuch of the ſaid goods, chattels, perſonal eſtate and debts, as ſhall
" to his or her poſſeſſion, (except ſuch as ſhall be allowed for by the ſaid court,) then the
" obligation is to be void, or is otherwiſe to remain in full force and virtue in law."

17. And every collector as aforeſaid ſhall be required, on granting the ſaid letters, to ta
following oath, or affirmation, as the caſe may require: " I —— —— do ſwear, or affirm,
" caſe may be, that I will well and honeſtly diſcharge the office of collector of the goods, ch
" perſonal eſtate and debts, of —— ——, deceaſed, according to the tenor of the letters g
" to me by the orphans court of —— county, and agreeably to the directions of law, to the
" my knowledge; So help me God."

18. Every collector ſo appointed ſhall have power to collect the goods, chattels, perſonal
and debts, according to the tenor of the ſaid letters, and to ſecure the ſame at ſuch reaſonab
neceſſary expence as ſhall be allowed by the court; and the court may authoriſe him, immed
after appraiſement, to ſell ſuch as ſhall be periſhable, or not to be preſerved, and to account
ſame; and for the whole trouble incurred by a collector, the court may allow a commiſſion
amount of the property and debts actually collected, and afterwards delivered to an executor
miniſtrator, as to the court ſhall ſeem juſt, not exceeding three *per cent.* or the court may al
commiſſion on the whole inventory not exceeding two *per cent.*

19. No collector as aforeſaid ſhall have power to bring ſuit for debts, or to releaſe the ſame,
do any act further than is before mentioned.

20. On the granting of letters teſtamentary or of adminiſtration, the power of any ſuch col
ſhall ceaſe, and it ſhall be his duty to deliver, on demand, all the property and money of the de
in his hands, except as before excepted, to the perſon or perſons obtaining ſuch letters; and i
of the collector's evading ſuch demand, or refuſing or neglecting to deliver according to ſuch de
made at a reaſonable time and place, either the court may proceed againſt him by attachment
impoſe a fine not exceeding ten *per cent.* on the amount of property in his hands, unleſs in the c
the minority of the executor or executrix, then and in ſuch caſe letters of adminiſtration, durin
minority of ſuch executor or executrix, ſhall be granted; the age of eighteen years to be conſi

ge of majority for the purpoſes of this clauſe; or his bond may be ſued by the executor or trator. CHAP. CI.

F any perſon, named as an executor or executrix in a will, ſhall be, at the time when ad- tion ought to be granted, under the age of eighteen years, or of unſound mind, incapable g to law of making a contract, or convict of any crime, rendering him or her infamous, ac- to law, or if any perſon, named as an executor, ſhall not be a citizen of the United States, teſtamentary, or of adminiſtration, (as the caſe may require,) may be granted, in the ſame as if ſuch perſon had not been named in the will. CHAP. 4. To whom letters teſtamentary may be granted.

o queſtion reſpecting infamy, citizenſhip, or competent age, ſhall be determined by the court, without ſummoning the perſons ſo named in a will, and alleged to be infamous, alien, r age, provided he or ſhe be within the ſtate, or without giving ſuch notice, by advertiſe- r otherwiſe, as the court ſhall direct, (in caſe he or ſhe be out of the ſtate,) and hearing, in party ſhall attend agreeable to ſummons or notice.

transcript of the record of conviction ſhall be evidence in the orphans court to prove the nfamous.

hen any perſon, ſo named as an executor in a will, ſhall be alleged to be an alien, or not a of the United States, his citizenſhip ſhall not be eſtabliſhed otherwiſe than by a certificate he ſeal of the office, or court, where the party became naturalized, or by competent teſtimony ſaid perſon is a natural born citizen of this ſtate, or of ſome of the United States.

ny inquiſition of a jury, on a writ iſſued from chancery, finding the party an idiot, lunatic, or *s mentis*, and confirmed by the chancellor, ſhall be concluſive evidence of the unſound mind arty; and if ſuch an inquiſition ſhall not have been had, at the time when adminiſtration ought anted, a writ *de lunatico inquirendo* may iſſue by the chancery or orphans court, on the petition r of the ſaid courts of any perſon intereſted; and the finding of the jury, that the party is lunatic or madman, or *non compos mentis*, thereon returned and confirmed by the chancellor rphans court, as the caſe may be, ſhall be concluſive againſt the party; and a certificate from ſter in chancery, under ſeal, ſtating the ſubſtance of the proceedings, ſhall be evidence in the court, who may thereon proceed as if the party had not been named in the will.

hen a perſon named in a will as an executor or executrix ſhall be alleged to be under the ighteen years, it ſhall be incumbent on the perſon making the allegation to eſtabliſh the ſame proof as is uſually required in ſuch caſes.

nd in caſe letters teſtamentary ſhall be granted to an executor above eighteen, and under one years of age, the bond by him executed for faithful performance ſhall be binding as if he full age.

o married woman ſhall be entitled to letters teſtamentary, but the ſame, or letters of admi- n, ſhall be granted, in the ſame manner as if ſhe had not been named in the will, unleſs her ſhall, with two ſureties, give bond as aforeſaid, to be recorded and ſued as aforeſaid, for hful performance; and the bond of any executrix, who is unmarried, and above eighteen, aforeſaid, ſhall be binding in the ſame manner as if ſhe were of the full age of twenty-one

O letters of adminiſtration ſhall be granted to a perſon infamous as aforeſaid, or to an idiot, or perſon *non compos mentis*, or to a perſon who is not a citizen of the United States, or un- nteen years of age; and any queſtion reſpecting infamy, foundneſs of mind, citizenſhip or y be heard and eſtabliſhed as if the ſame reſpected a perſon named as an executor. CHAP. 5. To whom, and under what circumſtances, letters of adminiſtration may be granted.

henever any perſon hath died inteſtate, leaving in this ſtate goods, chattels, or perſonal letters of adminiſtration may forthwith be granted by the orphans court of the county where- he party's manſion-houſe or reſidence; or in caſe he or ſhe had no manſion or reſidence with- ate, letters ſhall be granted in the county where the party died; and in caſe the party neither nſion or reſidence, nor died within the ſtate, letters may be granted in the county wherein is ſuppoſed to lie, a conſiderable part of the party's perſonal eſtate.

ſhall be incumbent on any perſon applying for ſuch letters, to prove ſuch dying inteſtate to ſtaction of the court, unleſs the ſame be notorious; and the court may examine ſuch perſon, or affirmation, touching the time, place, and manner of the death, and whether or not the ying left any will; and if ſuch dying inteſtate be not proved to the ſatisfaction of the court, rs of adminiſtration ſhall be granted; no ſuch letters ſhall be granted until at leaſt twenty er the death of the ſuppoſed inteſtate, and at leaſt ſeven days after application for the ſame. ſuch letters ſhall be granted, and a will for the diſpoſing of the perſonal eſtate of the de- ſhall afterwards be proved according to law, and an executor or executrix, or executors, therein, ſhall apply for letters teſtamentary within thirty days thereafter, and ſhall be capa-

ble

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ble of the ſame, and ſhall execute a bond as aforeſaid, letters teſtamentary ſhall be accordingly g
ed, and the ſame ſhall be conſtrued as a revocation of the letters of adminiſtration; provided n
theleſs, that all acts done by any adminiſtrator or adminiſtratrix according to law, before any a
or implied revocation of the letters of adminiſtration, ſhall be valid and effectual; and prov
that the executor, executrix or executors, ſo obtaining letters teſtamentary, ſhall thereby be a
riſed to proſecute any actions at law or equity, commenced by the adminiſtrator, adminiſtrat
adminiſtrators, and to obtain judgment in his, her or their own names, and likewiſe to defen
ſuit, as aforeſaid, commenced againſt the ſaid adminiſtrator, adminiſtratrix or adminiſtrators;
the granting letters teſtamentary in ſuch caſe ſhall not be conſtrued to affect any ſuit, as afor
commenced againſt the adminiſtrator, adminiſtratrix or adminiſtrators, but the plaintiff or pla
ſhall be allowed to proſecute the ſame unto judgment; nor ſhall the granting ſuch letters teſta
ry be conſtrued to affect any ſuit brought by the adminiſtrator, adminiſtratrix or adminiſtrator
the ſame ſhall be proſecuted unto judgment, unleſs the executor, executrix or executors, ſhall
into court, and pray that the ſame be ſtruck off, or diſcontinued; and the executor, executrix o
ecutors, ſhall have the benefit of all judgments obtained by the adminiſtrator, adminiſtratrix o
miniſtrators, and ſhall be bound by all judgments obtained againſt them, unleſs the ſame ſh
ſhewn to have been obtained by fraud, and ſet aſide by the court in which the judgment was re
ed, upon ſuch ſuggeſtion of fraud, either upon an examination in a ſummary manner into the
or by directing an iſſue to try the ſame, or unleſs the ſaid executor ſhall ſhew to the court that
are good grounds to open the judgment, in which caſe the court ſhall and they are hereby auth
to open the ſaid judgment for future litigation; and with reſpect to the allowance of coſts, all
niſtrators ſhall be on the ſame footing as if letters teſtamentary had not been granted, and the
rules in making the executor or executors plaintiffs or defendants ſhall be obſerved as are direc
the act of one thouſand ſeven hundred and eighty-five, chapter eighty.

5. And in all caſes where letters teſtamentary ſhall be granted as aforeſaid, it ſhall be the d
the adminiſtrators to exhibit to the orphans court their accounts, without delay, and to deli
the executor, on demand, all the goods, chattels and perſonal eſtate, in their poſſeſſion, belo
to the deceaſed, and on failure, their adminiſtration bonds ſhall be liable to be put in ſuit by the
cutors, or the executors may obtain an order for the purpoſe.

6. In caſe any executor, executrix, adminiſtrator or adminiſtratrix, ſhall die before the eſtate
be fully adminiſtered, letters of adminiſtration *de bonis non* ſhall be granted to the perſon en
agreeably to the rules herein before laid down, and the proceedings ſhall in all reſpects be the
as if adminiſtration had been originally granted; and in no caſe ſhall the executor of an execut
entitled, as executor, to adminiſtration *de bonis non* of the firſt deceaſed; and the letters, bon
oath, of an adminiſtrator *de bonis non*, ſhall be in the form herein before directed, except tha
words "not already adminiſtered," ſhall be added in the proper places.

7. The qualification of an adminiſtrator or adminiſtratrix ſhall, in all reſpects, be the ſame as
of an executor; and the proceedings, to exclude ſuch as *primâ facie* appear entitled to the ad
ſtration of the eſtate of an inteſtate, ſhall in all reſpects be the ſame as herein before directed fo
cluding any perſon named in a will as executor or executrix, provided that it ſhall not be nec
ſo to proceed, in caſe the party be out of the ſtate, or in caſe of adminiſtration to be granted to
except relations, or to collateral relations, more remote than brothers or ſiſters of the inteſtate;
no relations, except a widow, child, grand-child, father, brother, ſiſter or mother, ſhall be
ſidered as entitled, unleſs he or ſhe ſhall apply for the ſame.

8. If the inteſtate be a married woman, it ſhall not as heretofore be neceſſary for her huſba
take out letters of adminiſtration, but all her choſes in action ſhall devolve upon her huſband, i
ſame manner as if he had taken out ſuch letters; provided, that if he ſhall not, in his life-time
duce the ſaid choſes in action into poſſeſſion, or obtain judgment thereon, the ſaid choſes in a
ſhall devolve on her repreſentative, and adminiſtration may be granted accordingly.

9. And hereafter a huſband, bringing a perſonal action to recover in right of his wife, either b
or after her death, may declare ſpecially, ſetting forth, in the uſual manner, how the debt or
accrued to his wife, and ſtating further, that by marriage the debt or right hath on him devolve

10. If the inteſtate leave a widow, and a child or children, adminiſtration, at diſcretion of
court, ſhall be granted either to the widow or child, or one of the children.

11. If there be a widow, and no child, the widow ſhall be preferred, and next to the wido
children, a grand-child ſhall be preferred.

12. If there be neither widow, nor child, nor grand-child, the father ſhall be preferred.

13. If there be neither widow, nor child, nor grand-child, nor father, brothers and ſiſters
be preferred, and next to brothers and ſiſters, the mother ſhall be preferred.

14. If there be neither widow, nor child, nor grand-child, nor father, nor brother, nor ſiſter,
mother, the next of kin ſhall be preferred.

15. M

Males shall be preferred to females in equal degree of kin.
Relations of the whole blood shall be preferred to those of the half blood in equal degree, and
ns of the half blood shall be preferred to relations of the whole blood in a remoter degree.
Relations descending shall be preferred to relations ascending in the collateral line; that is to
or example,) a nephew shall be preferred to an uncle.
None shall be preferred in the ascending line beyond a father or mother, or in the descending
low a grand-child.
A female sole shall be preferred to a married woman in equal degree.
Where a female is entitled, administration may be granted to her and her husband, provided
apable.
Relations on the side of the father shall be preferred to relations on the side of the mother in
egree.
If there be no relations, administration shall be granted to the largest creditor applying for
e.
If there shall be neither husband nor wife, nor child nor grand-child, nor father nor brother,
er nor mother, or if these be incapable or decline, or refuse to appear on proper summons or
or if other relations and creditors shall neglect to apply, administration may be granted, at
ion of the court.
If however letters of administration are to be granted, with a copy of the will annexed, and
e a residuary legatee or legatees in such will, he, she or they, shall be preferred to all, ex-
widow, and it shall be incumbent on the court to proceed, in the manner herein before direct-
h respect to executors within the state, before administration shall be granted to any other
; and a male residuary legatee shall be preferred to a female.
Administration may be granted to two or more persons, with the consent of the person first
l, provided that administration, in all cases, shall extend to all the personal property of the
d within the state, in order that the affairs of deceased persons be as little complicated as may
that persons interested therein may the more easily and readily obtain justice.

CHAP. 6.

Rules concerning inventories.

N every case wherein letters testamentary, or of administration, or of collection, are granted,
r that all persons interested in the personal estate may have an opportunity of knowing, as
as may be, the amount of the same, an inventory, in case the estate lies in one county, or
nveniently be collected together, or inventories, in case the property lies in more than one
, or cannot conveniently be collected together, shall be returned to the office granting the
tration.
nd on granting any letters testamentary, or of administration, or of collection, a warrant or
ts shall issue, under the seal of office, authorising two persons of discretion, not related to
eased, nor interested in the administration, to appraise the goods, chattels and personal estate,
deceased, known to them, or to be shewn by the executor, administrator or collector. Form
warrant. "The State of Maryland, To —— —— and —— ——, greeting. This is to au-
se you jointly to appraise the goods, chattels and personal estate, of —— ——, late of ——,
sed, so far as they shall come to your sight and knowledge, each of you having first taken the
or affirmation, hereto annexed, a certificate whereof you are to return, annexed to an in-
ry of the said goods, chattels and personal estate, by you appraised in dollars and cents; and
e said inventory you are to set down, in a column or columns opposite to each article, the va-
hereof. Witness C. D. chief justice (or judge) of the orphans court in —— county. Test.
. Register, &c."
nd on the death, refusal or neglect to act, of any appraiser, another warrant may forthwith
its stead.
he appraisers, before they proceed to act, shall take the following oath, or affirmation, as the
ay be, annexed to, or endorsed on, the warrant, before any person authorised to administer
: "I, A. B. do swear, or solemnly, sincerely and truly affirm, that I will well and truly,
out partiality or prejudice, value and appraise the goods, chattels and personal estate, of ——
deceased, so far as the same shall come to my sight and knowledge, and will, in all respects,
rm my duty as appraiser, to the best of my skill and judgment; so help me God."
he appraisers shall proceed as conveniently as may be to the discharge of their duty, and shall
n each article, with the value thereof, in dollars and cents; all the valuations on one side of
er shall be set down in one column, distinctly, in figures, opposite to their respective article;
ntents of each column shall be cast up and set down, and likewise the contents of the whole
cast up, and set down under the last column.
hen the inventory shall be finished, the appraisers shall certify the same, under their hands
ls, and a certificate of their having taken the oath or affirmation as aforesaid, shall be thereto
annexed;

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annexed; and every inventory ſhall be returned to the proper office within three calendar m from the date of the letters, or within ſuch time from the date of the warrant, in caſe a warrant ſhall have iſſued, as the caſe may require, unleſs further time, on application of the ſhall be granted by the court; and it ſhall be the duty of any executor, adminiſtrator or col taking out the warrant, to return the inventory or inventories which ſhall be delivered to him appraiſers; and on failure by the executor, adminiſtrator or collector, attachment may iſſue force the return; and on the attachment the court ſhall have power to fine the party not exc thirty dollars.

7. If there be any of the perſons intereſted in the adminiſtration within three miles of the where the perſonal eſtate is to be appraiſed, it ſhall be the duty of the executor, adminiſtr collector, and of the appraiſers, to give notice to the ſaid perſons, or at leaſt two of them, time and place appointed for making the appraiſement.

8. Every executor, executrix, adminiſtrator or adminiſtratrix, ſhall return likewiſe with time, and under the pain aforeſaid, with an affidavit of the truth annexed, an inventory of t ney belonging to the deceaſed which hath come to his or her hands, and of the debts due to ceaſed which have come to his or her knowledge, ſpecifying the nature of each debt, and down ſuch as he or ſhe ſhall deem ſperate, diſtinct and ſeparate from thoſe which he or ſhe ſha deſperate or doubtful.

9. Every collector likewiſe ſhall return, within the time, (unleſs ſuperſeded) and under th aforeſaid, with an affidavit of the truth annexed, an inventory of the money of the deceaſed, he or ſhe hath collected, belonging to the deceaſed, or received in diſcharge of debts due to ceaſed.

10. Whenever perſonal property of any kind, or aſſets not mentioned in an inventory alread out, ſhall come to the poſſeſſion or knowledge of an executor, executrix, adminiſtrator or adm trix, or collector, an account or inventory of the ſame ſhall be returned, appraiſed by two re ble diſintereſted ſworn appraiſers, appointed by any juſtice of the peace, or judge of any court, within two calendar months from the time of the diſcovery.

11. In caſe an inventory be returned by a collector, duly appointed, the executor, execu executors, or adminiſtrator, adminiſtratrix or adminiſtrators, thereafter adminiſtering, ſhall, three calendar months after the date of his, her or their letters, either return a new invent place of the collector's inventory, or any acknowledgment in writing, that he, ſhe or they, h ceived from the collector the articles contained in the firſt inventory, or conſent to be anſw for the ſame, in the ſame manner as if the ſaid inventory had been made out after his, her o adminiſtering upon the eſtate; provided that nothing herein contained ſhall be conſtrued to any executor, executrix or executors, adminiſtrator, adminiſtratrix or adminiſtrators, anſwera not making a return of the inventory aforeſaid, wherein it ſhall appear to the court that he, they, have been prevented from making ſuch return by the improper detention of the goods deceaſed by the collector aforeſaid.

12. The executor or adminiſtrator ſhall either finiſh the crop on hand at the death of the dec or ſell the ſame, as he ſhall judge the moſt convenient; and in caſe he ſhall not deem it conv to finiſh the crop, the perſon entitled to the land on the death of the teſtator or inteſtate, or her guardian or next friend for him or her, in caſe of infancy of the party, may take the ſai at the appraiſement of the appraiſers as aforeſaid, paying ready money, or giving bond, wit ſecurity, approved by the orphans court, or the regiſter of wills of the ſaid court, if the ſaid be not in ſeſſion at the time of making ſuch ſale, for paying the money within ſix months; caſe the ſaid party, or his or her guardian for him or her, ſhall not take the crop at an appraiſ the executor or adminiſtrator may ſell the ſame to any other perſon, for ready money, or on as aforeſaid; provided nevertheleſs, that he ſhall not ſell it at leſs than the appraiſement, w the approbation of the orphans court granting the adminiſtration, or an order, preſcribing the by the ſaid court, paſſed as aforeſaid.

13. If an executor or adminiſtrator ſhall not, within three months after the date of his l exhibit to the orphans court an inventory as aforeſaid, a ſummons, returnable within not le eight, or more than thirty days, may, *ex officio*, or on application of a perſon intereſted, be againſt ſuch executor or adminiſtrator, to ſhew cauſe wherefore ſuch inventory hath not been bited; and if the ſummons be duly returned "ſummoned," or upon two citations returned "n by the ſheriff of the county wherein the party reſided at the time of obtaining his letters, or county wherein the letters were obtained, in caſe the party doth not reſide in the ſtate, and doth not appear at the return of the ſummons, or appearing ſhall not ſhew cauſe ſatisfactor ſaid court may immediately enter on its proceedings, and record, that the ſaid letters be re and may proceed to grant other letters, in the ſame manner as if ſuch executor had not been in the will, or as if ſuch adminiſtrators were not in exiſtence; and the power of ſuch execu

adminiſ

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trator shall thereupon cease, and he shall be bound to deliver up, on demand, to the person g such letters, all the property of the deceased in his hands, or be liable to be sued by such on his administration bond, or the court may pass an order for the purpose.
f there be more than one executor or administrator named in the letters, any one or more of n the neglect of the rest, may return an inventory, and the executor or administrator so ng shall not thereafter interfere with the administration, or have any power over the personal f the deceased; but the executor or administrator so returning shall thereafter have the whole tration, unless, within two months after the return, the delinquent or delinquents shall assign ourt some reasonable excuse which it shall deem satisfactory.

CHAP. 7. Assets.

SES for years, estates for the life of another person or persons, except those granted to the d and his heirs only, and all goods, wares, merchandise, utensils, furniture, negroes, cattle, rovisions, tobacco, and every kind of produce, the crop on the land of the deceased by him egun, unless where the lands are divided, things annexed to the free-hold or building, which removed without prejudice to the building, cloathing, ornaments, and every other species of l property, (except those things which are denominated heir-looms, and the cloaths of a wi- d ornaments and jewels proper for her station, and the cloathing of the family,) shall be in- n an inventory to be taken and returned as aforesaid, and shall be considered as assets in the f an executor or administrator.

CHAP. 8. Accounts of administration, and the conduct of executors and administrators relative to paying and collecting debts.

VERY executor or administrator shall, within fifteen calendar months after the date of his or ers, return to the court which granted them a full account of his or her administration; pro- everthelefs, that if the said party shall, within four calendar months after the said date, make r affirmation, as the case may require,) that he or she hath reason to apprehend, and doth nd, that the personal estate and assets which are or shall be in his or her hands, will be insuf- o discharge the just debts of, and claims against, the deceased, the court may, at discretion, further time, not exceeding eighteen calendar months in the whole, from the said date, for g the said account.
e orphans court granting the letters shall have power to make allowance to any collector, r or administrator, for property of the deceased which hath perished, or been lost, without t of the party; and no profit shall be made, and no loss shall be sustained, by an executor or rator, in the increase or decrease of the estate under his management; but the executor or rator shall return an inventory and account for such increase, and may be allowed for such , on the settlement of the final or other account.
case any executor or administrator shall not have money sufficient to discharge the just debts claims against, the deceased, the orphans court granting the letters shall, on his application, ter the return of an inventory, direct a sale of the whole property therein contained, or of rt, or to such amount, as the court may think proper, and the court shall direct the manner s of sale, provided that no credit exceeding twelve months be given, in any case, and that redit is given, bond with security shall be taken; the court shall have power, in case it shall ny fraud, collusion, connivance or improper management, to affect the said sale, or that it asonably made, or that the property was sold much under its value, to compel the said exe- administrator, to account for all such deficiencies as may have arisen by such executor's or rator's misconduct, the court always observing the inventory as their rule for ascertaining iciency.
e said court shall have power to direct a sale as aforesaid, in case it shall deem a sale advan- for the persons interested in the administration, either *ex officio*, or on application of any of persons.
ecutors and administrators shall have full power and authority to commence and prosecute onal action whatever, at law, or in equity, (as the case may require,) which the testator or might have commenced and prosecuted, except actions of slander, and for injuries or torts he person; and they shall also be liable to be sued in any court of law or equity, (as the case ire,) in any action (except as aforesaid,) which might have been maintained against the de- and they shall be entitled to, or be answerable for costs, in the same manner as the deceased ve been, and they shall be allowed for the same in their accounts, provided the court award- against them shall certify, that there were probable grounds for instituting, prosecuting or g, the action on which a judgment or decree shall have been given against them.
no action against an executor or administrator shall he be compelled to put in special bail.
in pleading it is extremely difficult for executors and administrators, as well as the opposite to guard against error or mistake, which may operate unjustly against them, in no action, against an executor or administrator, shall it be necessary for him to plead *plene administravit*,

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or any thing relative to the aſſets, or for the plaintiff or plaintiffs to reply to ſuch plea; pro
nevertheleſs, that any executor or adminiſtrator, ſued in chancery, may be compelled, as ufu
ſay in his anſwer, whether or not he hath aſſets to anſwer all juſt claims againſt the deceaſed
provided alſo, that if the ſaid executor or adminiſtrator ſhall anſwer that he hath not aſſets as
ſaid, the proceedings ſhall be as they are at preſent; that is to ſay, an account may be taken
aſſets under the direction of the court.

8. And if the verdict of the jury on the iſſue joined be againſt the executor or adminiſtrator
he ſhall be willing to confeſs judgment, and the debt or damages which the deceaſed (if he
were alive) ought to pay, be aſcertained by verdict, or confeſſion or otherwiſe, the court,
whom the action was brought, ſhall thereupon aſſeſs the ſum which the executor or admini
ought to pay, regard being had to the amount of aſſets in his hands, and the debts due to other p
and if it ſhall appear to the ſaid court that there are aſſets to diſcharge all juſt claims againſt
ceaſed, the judgment ſhall be for the whole debt or damages found by the jury, or confeſſed, or
wiſe aſcertained, and coſts; and if it ſhall appear to the court that there are not aſſets to di
all ſuch juſt claims, the judgment ſhall be for ſuch ſum only as bears a juſt proportion to the a
of the debt, or damages and coſts, regard being had to the amount of all the juſt claims, and
aſſets; that is to ſay, as the amount of all the ſaid claims ſhall be to the aſſets, ſo ſhall the
of the ſaid debt, or damages and coſts, be to the ſum required, for which judgment is to be g

9. And in no caſe ſhall the court proceed to aſſeſs as aforeſaid, and to paſs ſuch judgment
an executor or adminiſtrator, until the time limitted by law, or by the orphans court, for the
tor or adminiſtrator to paſs his account ſhall have expired; provided, that the ſaid executor
niſtrator ſhall make oath, (or affirmation, as the caſe may require,) that he hath not aſſets to di
all ſuch juſt claims; and the account ſettled by the orphans court, in which the debt or dama
for ought to be ſtated, ſhall be evidence to ſhew the amount of aſſets and claims; and the
fore whom the ſuit is brought againſt the executor or adminiſtrator for the recovery of a deb
mages, ſhall have power, when the real debt or damages are aſcertained, to refer the matt
auditor, to aſcertain the ſum for which judgment ſhall be given; and in caſe the judgment
for a ſum inferior to the real debt or damage and coſts, it ſhall go on and ſay, "that the pla
entitled to ſuch further ſum as the court ſhall hereafter aſſeſs on diſcovery of further aſſe
hands of the defendant;" and the court, at any time afterwards, when applied to by the p
on three days notice to the defendant or his attorney, may aſſeſs and give judgment for ſuch
proportionable ſum as the plaintiff ſhall appear entitled to, regard being had as aforeſai
amount of the debt, and other claims; and on any judgment paſſed as aforeſaid, a *fieri facias*
againſt the defendant, and either his own goods, or the goods of the deceaſed, may be there
and ſold; and it ſhall be the duty of the executor or adminiſtrator to diſcharge the ſaid judg
put it on a footing with other juſt claims, and on failure his adminiſtration bond may be pu
by the plaintiff.

10. It ſhall be the duty of all executors and adminiſtrators to pay all juſt claims againſt
ceaſed, exhibited to them, or a juſt proportionable part thereof, according to the aſſets; an
claim be known to the executor or adminiſtrator, (although the ſame be not exhibited,) he ſha
the ſame, or a juſt proportionable part, for the benefit of the creditors, provided he can ſa
court, that ſuch claim is juſt, or may probably be recovered; and when it is certain that t
claim of a perſon out of the ſtate, but the amount thereof cannot be aſcertained, the co
allow ſuch ſum as it ſhall think proper to be retained, to be accounted for, nevertheleſs, i
three years after the death of the deceaſed no demand ſhall be made by the creditor, or
repreſentative, and ſuit thereon brought on the rejection thereof by the executor or admi
and from the time of making payment to, or a dividend amongſt, the creditors, as hereafter
all intereſt on ſuch claim, or proportionable part, ſhall ceaſe; provided, that the executo
miniſtrator ſhall pay, or tender the ſame, together with ſuch further part as ſhall be due o
money coming into hand, to the creditor, on demand; and in caſe the executor or adminiſtr
demand of a greater ſum made by ſuch creditor, ſhall tender the principal and intereſt wh
due at the time of ſuch dividend, or the juſt proportionable part, together with ſuch further
tion as aforeſaid of aſſets, and the claimant ſhall notwithſtanding bring ſuit, the ſaid exe
adminiſtrator, at any time before judgment, may bring into court the money ſo tendered, o
to an equal amount, and if he ſhall ſatisfy the court, that the ſaid ſum was really the amou
principal and intereſt due at the time of ſuch dividend, or of the proportionable part to w
claimant was entitled at the dividend, together with ſuch further proportion (if any ther
the court ſhall thereupon give judgment, that the ſum ſo brought in, deducting the coſts ſuf
the defendant, be paid to the plaintiff, and the ſaid judgment ſhall be pleadable in bar to a
afterwards brought to recover the ſaid debt; or, in caſe the executor or adminiſtrator
tender as aforeſaid before the ſuit brought, the creditor ſhall recover no more than the pro

rt due at the time of the dividend, and such further proportion as he was entitled to on the in of further assets, with interest on each to the time of judgment.

And if any action be commenced or prosecuted against an executor or administrator, for the y of larger debt or damages than the said executor or administrator shall think due, so that e cannot be ascertained before verdict, the executor or administrator shall be allowed to retain n to meet the said debt or damages as the orphans court shall allow, and if more than enough ved, the party shall afterwards account for it, but nothing shall be retained on account of ther debt or damages, where the court shall be satisfied that there will be money sufficient in after such dividend to meet the said damages, or a just proportion thereof, regard being other claims.

The orphans court shall have power, with the consent of both parties, to be entered on their ings, to arbitrate between a claimant and an executor or administrator, or the dispute may, parties, be referred to any person or persons approved by the orphans court.

No executor or administrator, who shall, after the lapse of one year from the date of his let- ve paid away assets to the discharge of just claims, shall be answerable for any claim, of e had no notice or knowledge; provided, that at least six months before he shall make distri- he shall have caused to be inserted in such and so many news-papers as the orphans court rect, an advertisement, as follows, or fully to the following effect, viz. "This is to give e, that the subscriber (or subscribers) of ——, hath (or have) obtained from the orphans of —— county in Maryland, letters testamentary (or of administration) on the personal estate ——, late of ——, deceased; all persons having claims against the said deceased are y warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before day of —— next, they may otherwise by law be excluded from all benefit of the said . Given under my hand, this —— day of ——."

t shall be the duty of an executor or administrator, within thirteen calendar months after the his letters, or within such further time, not exceeding four months longer, as shall be allow- he orphans court, on his making oath (or affirmation) as aforesaid respecting the insufficiency personal estate to discharge all just claims known to him, or pay each claimant his just pro- of the money then in his hands, (retaining as before directed;) it shall likewise be his duty, every term of six months, after the first distribution, to make distribution of the money ath since come into his hands, until he shall have fully administered, and on failure his ad- tion bond may be put in suit.

In case all the assets shall have been paid away, or delivered, or distributed in the manner r directed, and a claim shall afterwards be exhibited, of which the executor or administrator t knowledge or notice, he shall not be answerable for the same; and if he be sued for any nd shall make it appear to the court in which suit is brought, that he hath so paid away, de- or distributed, and the plaintiff cannot prove that the defendant had knowledge or notice as d before such payment, delivery or distribution, the court shall not proceed to give judgment, gh the amount of the claim against the deceased may be ascertained as herein before directed,) e plaintiff shall be able to shew further assets coming into the defendant's hands, but if the shall prove notice, or knowledge of the said claim, against the defendant, judgment may tely be given for such sum as the plaintiff ought to have received at the dividend, and *fieri* ay issue and have effect, and further judgment may be given, as herein before directed on in of further assets.

In all cases where an executor or administrator is to make a payment of distribution amongst s, he may give notice, three weeks successively, in some convenient news-paper, of the time e for making it, and in case any creditor shall not attend in person, or by agent or attorney, ve the amount or proportionable part of the claim, all interest on such claim or proportion- t shall cease from that time; provided, that the executor or administrator shall, at any time er, on demand, pay the said claim, or proportionable part, to the party, his agent or attorney horised; and whenever the executor or administrator shall proceed to make an additional t or dividend, he may advertise as aforesaid, and interest shall stop as aforesaid; and if at itional dividend a just claim established as hereafter directed shall be exhibited, the creditor entitled to such sum as will place him on an equal footing with those who have already a dividend.

In paying the debts of the deceased, an executor or administrator shall observe the following judgments and decrees against the deceased shall be wholly discharged before any part of laims; after such judgments and decrees shall be satisfied, all other just claims shall be ad- to a distribution, on an equal footing, without priority or preference; if there be not suffi- discharge all such judgments and decrees, a proportionable division or dividend shall be made the judgment and decree creditors, but no executor or administrator shall be bound to dis-

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cover what judgment or decrees have been paſſed againſt the deceaſed, unleſs in the high co chancery, or the general court of the ſhore, or the court of the county, where the deceaſ reſided.

18. If a claim be exhibited againſt an executor or adminiſtrator, which he ſhall think it hi to diſpute or reject, he may retain in his hands aſſets proportioned to the amount of the claim, aſſets ſhall be liable to other claims, or be delivered up or diſtributed as hereafter mentioned, the claim be not eſtabliſhed; and if on any claims exhibited and diſputed as aforeſaid, the cr or claimant ſhall not, within nine months after ſuch diſpute or rejection, commence a ſu recovery, the ſaid creditor or claimant ſhall be for ever barred; and the executor or admini may plead this act in bar, together with the general iſſue, or other plea proper to bring the of the cauſe to trial; and, on any dividend to be made nine months after ſuch diſpute or re and failure to bring ſuit, the executor or adminiſtrator may proceed to pay, or diſtribute, a had not knowledge or notice of ſuch claim, or as if it did not exiſt, but if the claim be put within the nine months, it may be aſcertained by verdict or otherwiſe, and the court ſhall p as herein before directed, regard being had to the rules herein before laid down as to the no be given by the executor or adminiſtrator, and diſtribution or payment to be made after ſuch

19. In no caſe ſhall an executor or adminiſtrator be allowed to retain for his own claim the deceaſed, unleſs the ſame be paſſed by the orphans court, and every ſuch claim ſhall ſt equal footing with other claims of the ſame nature.

20. The bare naming of an executor in a will ſhall not operate to extinguiſh any juſt claim the deceaſed had againſt him, but it ſhall be the duty of every ſuch executor, accepting the tr give in ſuch claim in the liſt of debts, and on his failure to give in ſuch claim, or any part t any perſon intereſted in the adminiſtration may allege the ſame, by petition to the orphan granting the adminiſtration, and the ſaid court, with conſent of the parties, may decide on th or it may be referred by the parties, with the court's approbation, or, at the inſtance of party, the court may direct an iſſue or iſſues to be tried, and the ſame ſhall be tried in any c law proper for the trial, and moſt convenient under all circumſtances; and the court of la have power to direct the jury, and grant a new trial, as if the iſſue or iſſues were in a ſuit inſtituted, and a certificate from ſuch court, or any judge thereof, of the verdict or finding jury, under the ſeal thereof, ſhall be admitted by the orphans court to eſtabliſh or deſtroy the or any part thereof; and if the executor ſhall give in ſuch claim, or the ſame, or any p eſtabliſhed as aforeſaid, he ſhall account for the ſum due in the ſame manner as if it were money in his hands, and on failure his bond may be put in ſuit.

21. In like manner it ſhall be the duty of every adminiſtrator to give in a claim againſt and on giving it, or failure to give it in, there ſhall be the ſame proceedings in every reſpect herein preſcribed with regard to an executor.

22. No executor or adminiſtrator ſhall diſcharge any claim againſt the deceaſed, (otherwi at his own riſk,) unleſs the ſame be firſt paſſed by the orphans court granting the adminiſtrat unleſs the ſaid claim be proved according to the following rules.

CHAP. 9.

Rules for authenticating or proving claims againſt a deceaſed perſon.

1. THE voucher or proof of a judgment or decree ſhall be a ſhort copy thereof, under teſted by the clerk or regiſter of the court, where it was obtained, who ſhall certify, that no entry or proceeding in the court, to ſhew that the ſaid judgment (or decree) hath been ſa there ſhall likewiſe be a certificate of ſome perſon authoriſed to adminiſter an oath endorſed annexed to, a ſtatement of the debt due on ſuch judgment or decree, that the creditor, ſi death of the deceaſed, hath taken before him the following oath, or affirmation, viz, "T (or ſhe) hath not received any part of the ſum for which the judgment or decree was paſſed, ſuch part (if any) as is credited;" and if the creditor on the judgment or decree be an aff the perſon who obtained it, the oath, or affirmation, ſhall go on, and ſay further, "and that, beſt of his (or her) knowledge or belief, no other perſon hath received any parcel of the ſa except ſuch part (if any) as is credited" and an aſſignee ſhall alſo produce the aſſignment the hand of the aſſignor; and if there hath been more than one aſſignment, each aſſignment produced under the hand of the party.

2. If a ſpecial bail ſhall have diſcharged a judgment againſt the deceaſed, he ſhall be conſid the judgment creditor, and in caſe the plaintiff who obtained the judgment ſhall not have the ſame (as he ought to do) to the bail, a receipt from him, given to the bail, ſhall be co as equivalent to an aſſignment.

3. If there be more than one creditor, the whole oath or affirmation aforeſaid, with th vouchers, ſhall be ſufficient.

4. In caſe of a ſpecialty, bond, note, or proteſted bill of exchange, the vouchers ſhall inſtrument of writing itſelf, or a proved copy, in caſe it be loſt, with a certificate of the

ion made as aforeſaid, ſince the death, and endorſed on, or annexed to, the inſtrument or a
nt of the claim, " that no part of the money intended to be ſecured by ſuch inſtrument hath
ceived, or any ſecurity or ſatisfaction given for the ſame, except what (if any) is credited."
nd if the creditor on ſuch inſtrument be an aſſignee, there ſhall be the ſame oath, (or affirma-
f the original creditor, with reſpect to the time of the aſſignment; and in caſe of ſucceſſive
s, there ſhall be the ſame oath, or affirmation, taken by each, with reſpect to the time of
ſpective aſſignment.

caſe of a bill of exchange, the proteſt, and other things which would be required, (if the
d were alive,) ſhall be neceſſary to juſtify an executor or adminiſtrator in making payment or
tion.

the claim be for rent, there ſhall be produced the leaſe itſelf, or the depoſition of ſome cre-
itneſs or witneſſes, or an acknowledgment in writing of the deceaſed, eſtabliſhing the con-
nd the time which hath elapſed during which rent was chargeable, and a ſtatement of the ſum
ſuch rent, with an oath or affirmation of the creditor thereon endorſed, " that no part of the
e for the ſaid rent, or any ſecurity or ſatisfaction for the ſame, hath been received, except
f any) is credited;" and if the creditor be an aſſignee, there ſhall be ſuch oath (or affirma-
f the original creditor, with reſpect to the time of aſſignment.

he vouchers or proofs of any claim on open account ſhall be a certificate of an oath or affirma-
en by the creditor as aforeſaid, ſince the death, endorſed on, or annexed to, the account,
he account as ſtated is juſt and true, and that he (or ſhe) hath not received any part of the
ſtated to be due, or any ſecurity or ſatisfaction for the ſame, except what (if any) is credit-
d moreover the account ſhall appear to have been proved as is required by an act paſſed at
ber ſeſſion, one thouſand ſeven hundred and eighty-five, chapter forty-ſix.

ovided nevertheleſs, that it ſhall not be conſidered as the duty of an executor or adminiſtra-
vail himſelf of the act of limitation to bar what he ſuppoſes to be a juſt claim, but the ſame
left to his honeſty and diſcretion.

f the claim ariſes on a bond, note, or bill of exchange, or account for dealing with a factor,
principal be not within the ſtate, the factor who took the ſaid bond, or note or bill, or who
delivered the articles in the account, may make oath, or affirmation, to be certified as afore-
d endorſed on a ſtatement of the money thereon due, " that the ſaid ſtatement is full, juſt
e, and that he (the deponent) took the ſaid bond, (or note, or bill, or delivered the articles
in the account,) as factor to —— ——, living in (or lately of) ——; that neither he (the
t) nor the principal, nor any other perſon for him, or the principal to his knowledge or be-
h received any part of the money originally due on ſuch bond, note, bill or account, or any
or ſatisfaction for the ſame, except what (if any) is credited;" and the ſaid oath, or affirma-
ith the other reſpective vouchers and proofs aforeſaid, ſhall authoriſe the executor or admi-
r in making payment or diſtribution.

f the factor aforeſaid be dead, or out of the ſtate, and the principal be alſo out of the ſtate,
all appear, (in caſe of account) that the ſame have been regularly proved according to the
785 aforeſaid, an oath, (or affirmation,) of any other factor, made after the death of the
or inteſtate, and certified and endorſed on the ſtatement as aforeſaid, " that the ſaid bond,
ill or account, came into his hands as factor for the creditor, reſiding in ——, after the death
oval) of —— ——, the factor who took the ſaid bond, (or note, or bill, or delivered the
in the account;) that he hath reaſon to believe, and does believe, that the ſaid ſtatement is
and true, and that no part of the money originally due on ſuch bond (note, bill or account,)
ecurity or ſatisfaction for the ſame, hath been received, except what (if any) is credited;"
ſaid oath, or affirmation, with the other reſpective vouchers or proofs as aforeſaid, ſhall be
t to authoriſe the executors as aforeſaid.

When any affidavit or depoſitions to prove claims ſhall have been taken out of the ſtate, the
ll be good, if taken and certified as aforeſaid by the notary of the place, or by ſome perſon
uthoriſed to adminiſter an oath, and certified to be ſuch under the ſeal of the governor,
r chief magiſtrate, or clerk of any court of record, or notary public of ſuch place, and the
th, affirmation or depoſition, ſhall be as available as if taken before a juſtice within the

Provided nevertheleſs, that no executor or adminiſtrator ſhall be obliged to diſcharge any
of which vouchers and proofs ſhall be exhibited as aforeſaid, but may reject, and at law diſ-
e ſame, in caſe he ſhall have reaſon to believe that the deceaſed never owed the debt, or had
ged the ſame, or a part thereof, or had a claim in bar; but every executor or adminiſtrator
obliged to diſcharge the ſame, or pay a juſt proportionable part thereof, if paſſed by the or-
ourt granting his letters, unleſs he ſhall appeal from the deciſion of the court in the manner
er directed.

14. If

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14. If the creditor be an executor or adminiſtrator, the claim ſhall not be received, al vouched or approved as aforeſaid, unleſs he make oath or affirmation, to be certified as afo "that it does not appear from any book or writing of his teſtator, (or inteſtate,) that any part ſaid claim hath been diſcharged, except what (if any) is credited, and that, to the beſt of ponent's knowledge and belief, no part of the ſaid claim hath been diſcharged, and no ſecu ſatisfaction hath been given for the ſame, except what (if any) is credited."

15. No executor or adminiſtrator ſhall be allowed in his account for any claim by him diſch unleſs he produce the claim, paſſed by the orphans court, or proofs or vouchers as aforeſaid.

CHAP. 10.

Directions concerning accounts and debts due to deceaſed perſons.

1. IN the account of an executor or adminiſtrator ſhall be ſtated, on one ſide, the aſſets have come to his hands, according to the inventory or inventories returned to the court, or re and appraiſed as herein before directed after the inventory or inventories returned, and th which have been made under the court's direction; that is to ſay, the inventory or inventor to ſhew the articles of the eſtate, and the ſales the amount of their value, where they hav ſold, and for articles ſo ſold he ſhall be charged the price, according to the return; and if an cle hath been ſold for credit, and not yet paid for, it ſhall be accounted for in a ſubſequ count.

2. On the other ſide ſhall be ſtated the diſburſements by him made, viz. 1. Funeral expen be allowed, at the diſcretion of the court, according to the condition and circumſtances of ceaſed, not exceeding three hundred dollars. 2. The debts of the deceaſed, proved or pa aforeſaid, and paid or retained. 3. The allowance for things loſt, or which have periſhed the party's fault, which allowance ſhall be according to the appraiſement. 4. His commiſſion, ſhall be, at the diſcretion of the court, not under five *per cent.* nor exceeding ten *per cent.* amount of the inventory or inventories, excluding what is loſt or hath periſhed. 5. His all for coſts, and for extraordinary expences, (not perſonal,) which the court may think proper to laid out in the recovery or ſecurity of any part of the eſtate.

3. If the firſt account, to be returned as aforeſaid, ſhall not ſhew the eſtate which was on be fully adminiſtered, another account ſhall be returned within ſix months thereafter, and every term of ſix months thereafter an account ſhall be returned, until the eſtate ſhall appe fully adminiſtered; and whenever a diſcovery or receipt of aſſets ſhall take place, after rende account, another account ſhall be rendered within ſix months thereafter; provided never that an executor or adminiſtrator ſhall not be obliged to render accounts, when it appears court that the eſtate has been fully adminiſtered, except debts which the court ſhall ſet do deem as deſperate, unleſs the ſame ſhall afterwards be recovered.

4. The court ſhall examine every liſt of debts returned by an executor or adminiſtrator w inventory, and for every debt which the court ſhall not mark as deſperate, or improper to be ſuit, the executor or adminiſtrator ſhall commence a ſuit, unleſs the debt be paid within ſix thereafter, or unleſs the debtor be out of the ſtate, or unleſs the court ſhall think reaſonable cuſe made within one month after the lapſe of the ſaid ſix months for not bringing ſuit; failure to bring ſuit as aforeſaid, the party ſhall be liable to a ſuit on his adminiſtration bond, ſuch damages as ſhall be found by the jury.

5. It is not the intent of this act that an executor or adminiſtrator be anſwerable, at all for a debt which he ſhall return ſperate, but merely to enable the court, and all parties con to form a juſt eſtimate of the circumſtances of the deceaſed.

6. When it ſhall appear by the firſt, or other account of an executor or an adminiſtrator w will annexed, that all the claims againſt, or debts of, the deceaſed, which have been know notified to the ſaid executor or adminiſtrator, have been diſcharged, or retained for, or ſet ſhall be his duty to deliver up the eſtate in his hands to thoſe entitled, provided, that his d power with reſpect to future aſſets ſhall not ceaſe; and after ſuch delivery he ſhall not be li any debt afterwards notified to him, provided he ſhall have adverti ſed, as herein before direct leſs aſſets ſhall afterwards come into his hands, which ſhall be anſwerable for ſuch debts.

7. Whereas it often happens that an executor or adminiſtrator hath in his hands aſſets to amount, and there is no reaſon to apprehend that they will be nearly exhauſted in payment o and thoſe entitled after payment of debts are in want of ſubſiſtence, or greatly ſtraitened circumſtances, in caſe any perſon ſo entitled ſhall apply, by petition, and ſatisfy the court or ſhe is really in want of ſubſiſtence, or greatly ſtraitened in circumſtances, and that it p will not require more than one half of the aſſets to diſcharge the debts, the court may direct ecutor or adminiſtrator to deliver to the petitioner any part of what the court ſhall ſuppoſe the petitioner's diſtributive ſhare, or any part of a legacy or bequeſt in money, not exceed third part, the ſaid petitioner giving bond, with ſecurity, approved by the court, to the exec adminiſtrator, for returning the ſame, or an equivalent, with intereſt, whenever ſo direct

nd the court ſhall have power to determine, in a ſummary manner, on any ſuch petition, CHAP. CI.
ſummons againſt ſuch executor or adminiſtrator duly returned either ſummoned or *non eſt*.
d the court, in like manner, on any petition by a perſon in ſuch circumſtances, to whom
c legacy or bequeſt hath been made, being ſatisfied that the aſſets, excluſive of all ſpecific
will not nearly be exhauſted by debts, may direct the executor or adminiſtrator to deliver
etitioner the ſaid ſpecific legacy or bequeſt, on his or her giving bond as aforeſaid.
an executor or adminiſtrator ſhall fail to return an account as herein before directed within
limitted by law, or by the court, his letters, on application of any perſon intereſted, may
ed, and ſuch adminiſtration, (as the caſe may require,) may be granted at diſcretion of the
nd the adminiſtrator, to whom letters ſhall be granted, ſhall be entitled to put the delin-
bond in ſuit, and to recover ſuch damages thereon as the jury may find; and in aſſeſſing ſuch
it ſhall be the duty of the jury to allow ſuch ſum as will be equal to ſix *per cent. per annum* on
unt of the inventory or inventories from the time of the return or returns to the time of the
over and beyond the damages, for ſuch loſs or injury as the eſtate may have ſuſtained by the
nt's conduct.
Whenever it ſhall appear by the firſt or other account of an adminiſtrator, that all the debts
laims againſt, the eſtate, known by or notified to him, have been diſcharged or allowed for
count, it ſhall be his duty to deliver up and diſtribute the ſurplus or reſidue of the eſtate as
r directed, provided that his power and duty, with reſpect to future aſſets, ſhall not ceaſe;
r ſuch delivery, the adminiſtrator ſhall not be anſwerable for any debt afterwards notified to
vided he ſhall have adverti ſed as herein before directed, unleſs aſſets ſhall afterwards come
hands which ſhall be liable for ſuch debts.
f by the proviſions in a will it ſhall be neceſſary for an executor, or for an adminiſtrator with
f the will annexed, to retain in his hands the perſonal eſtate, or a part thereof, after all juſt
re diſcharged, as where money, or ſome other thing is directed to be paid at a diſtant period,
a contingency, the court of chancery or the orphans court ſhall have power, on the applica-
ſuch executor or adminiſtrator, or of a party intereſted, to decree or give directions relative
and it ſhall be the duty of ſuch executor or adminiſtrator, to apply to the court of chancery
rphan's court, and the ſaid courts reſpectively ſhall have full power to decree or direct what
he perſonal eſtate ſhall be retained or appropriated for the purpoſe, and in what manner it
diſpoſed of, and the legacy or benefit intended by the will ſhall be ſecured for the perſon to
ed at a future period, or contingency, and how the neceſſary part of the perſonal eſtate, to
priated for the purpoſe, ſhall be prevented from lying dead, or being unproductive, and how
be applied, agreeably to the intent of the will, or the conſtruction of law, in caſe the con-
ſhall not take place.

N all the debts of an inteſtate, exhibited and proved, or notified and not barred, ſhall have CHAP. II.
ſcharged, or ſettled and allowed to be retained, as herein directed, the adminiſtrator ſhall Diſtribution of an inteſtate's perſonal eſtate.
to make diſtribution of the ſurplus as follows.
the inteſtate leave a widow, and no child, parent, grand-child, brother or ſiſter, or the
a brother or ſiſter of the ſaid inteſtate, the ſaid widow ſhall be entitled to the whole.
there be a widow, and a child or children, or a deſcendant or deſcendants from a child, the
all have one third only.
there be a widow, and no child, or deſcendants of the inteſtate, but the ſaid inteſtate ſhall
father, or mother, or brother or ſiſter, or child of a brother or ſiſter, the widow ſhall have

e ſurplus, excluſive of the widow's ſhare, or the whole ſurplus, (if there be no widow,)
as follows.
there be children, and no other deſcendant, the ſurplus ſhall be divided equally amongſt

there be a child or children, and a child or children of a deceaſed child, the child or chil-
ſuch deceaſed child ſhall take ſuch ſhare as his, her or their deceaſed parent, would (if alive)
led to; and every other deſcendant or other deſcendants, in exiſtence at the death of the
, ſhall ſtand in the place of his, her or their deceaſed anceſtor; provided, that if any child,
ndant, ſhall have been advanced by the inteſtate, by ſettlement or portion, the ſame ſhall be
t in the ſurplus, and if it be equal, or ſuperior to a ſhare, ſuch child or deſcendant ſhall be
, but the widow ſhall have no advantage by bringing ſuch advancement into reckoning; and
ance, or education, or money given without a view to a portion or ſettlement in life, ſhall
eemed advancement; and in all caſes thoſe in equal degree, claiming in the place of an an-
ſhall take equal ſhares.
there be a father, and no child or deſcendant, the father ſhall have the whole.

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8. If there be a brother or ſiſter, or child or deſcendant of a brother or ſiſter, and no ch
ſcendant, or father of the inteſtate, the ſaid brother, ſiſter or child, or deſcendant of a bro
ſiſter, ſhall have the whole.

9. Every brother and ſiſter of the inteſtate ſhall be entitled to an equal ſhare, and the c
children of a brother or ſiſter of the inteſtate ſhall ſtand in the place of ſuch brother or ſiſter.

10. If the inteſtate leave a mother, and no child, deſcendant, father, brother, ſiſter or ch
deſcendant of a brother or ſiſter, the mother ſhall be entitled to the whole, and in caſe ther
father, a mother ſhall have an equal ſhare with the brothers and ſiſters of the deceaſed, a
children and deſcendants.

11. After children, deſcendants, father, mother, brothers and ſiſters, of the deceaſed, a
deſcendants, all collateral relations, in equal degree, ſhall take, and no repreſentation amon
collaterals ſhall be allowed; and there ſhall be no diſtinction between the whole and half blo

12. If there be no collaterals, a grand-father may take, and if there be two grand-father
ſhall take alike, and a grand-mother, in caſe of the death of her huſband the grand-father, ſh
as he might have done.

13. If any perſon entitled to diſtribution ſhall die before the ſame be made, his or her ſh
go to his or her repreſentatives.

14. Poſthumous children of inteſtates ſhall take in the ſame manner as if they had been b
fore the deceaſe of the inteſtate, but no other poſthumous relation ſhall be conſidered as en
diſtribution in his or her own right.

15. If there be no relations of the inteſtate within the fifth degree, which degree ſhall be
ed by counting down from the common anceſtor to the more remote, the whole ſurplus ſha
to the ſtate, to be applied as the legiſlature ſhall hereafter direct, ſaving to the different ſo
this ſtate the rights which by exiſting laws they now reſpectively poſſeſs.

16. In caſe the ſurplus remaining in the adminiſtrators hands after payment of all juſt de
bited and proved, or notified and not barred, or after retaining for the ſame, ſhall conſiſt of
property, or articles mentioned in the inventory or inventories, the adminiſtrator, if he ca
tisfy the parties, may apply to the court to make the diſtribution, and the court may appoi
for making diſtribution, and by ſummons call upon the ſaid parties to appear, and the ſaid co
at the appointed time, proceed to diſtribute, but if a majority in point of value ſhall neglec
pear, or appearing ſhall object to the diſtribution of the articles, or if the court ſhall deem
the ſaid articles, or any part of them, more advantageous, a ſale ſhall be directed accordin
the rules herein before laid down, relative to a ſale by order of the ſaid court, ſhall be obſer

CHAP. 12. Guardians and orphans.

1. WHENEVER land ſhall deſcend, or be deviſed, to a male under the age of twenty-on
or to a female under ſixteen, or any ſuch male or female ſhall be entitled to a diſtributive
perſonal eſtate of an inteſtate, or to a legacy or bequeſt under a laſt will or codicil, and the f
or female ſhall not have a natural guardian, or guardian appointed by laſt will, agreeably to
tute in that caſe provided, the orphans court of the county where the land lies, or in whic
niſtration of the perſonal eſtate is granted, ſhall have power to appoint a guardian to ſuch
until the age of twenty-one years (if a male,) and until the age of ſixteen (if a female,) o
age, and ſuch appointment may be made at any time after the probat of the will, or admi
granted on the eſtate of the deceaſed, under whom the infant appears to be ſo entitled to la
it may be made, if the court ſhall think proper, in the caſe of perſonal eſtate, either before
the executor or adminiſtrator ſhall have paſſed his account.

2. The ſaid court ſhall have power to call or have brought before them any orphan as af
for the purpoſe of appointing a guardian.

3. The court ſhall alſo have power, on application of any friend of the infant as aforeſaid
to land, or a legacy, or diſtributive ſhare, to call on any guardian under the ſtatute aforeſaid
tural guardian, to give bond for performance of his or her truſt, and the court, at diſcreti
direct ſuch bond to be given; and on the guardian's failure or neglect, the court may appoint
guardian.

4. And every guardian appointed by the court, before he ſhall have authority to act as ſuc
enter into bond to the ſtate of Maryland, in ſuch penalty, and with ſuch ſureties, as the co
approve; and the ſaid bond ſhall be recorded, and be ſubject to be put in ſuit, and be in all
on a footing with the bond given by an executor or adminiſtrator; and the form of the cond
it ſhall be as follows: "The condition of the above obligation is ſuch, that if the above b
"—— ——, as guardian to —— ——, of —— county, ſhall faithfully account with the
"court of —— county, as directed by law, for the management of the property and eſtate
"orphan under his care, and ſhall alſo deliver up the ſaid property, agreeably to the orde
"ſaid court, or the directions of law, and ſhall in all reſpects perform the duty of gua

d ——, according to law, then the above obligation ſhall ceaſe; it ſhall otherwiſe re-
n full force and virtue in law."

a guardian's executing ſuch bond, the court ſhall have power to order the land, diſtributive other property belonging to ſuch orphan, to be delivered to ſuch guardian immediately, or me as ſhall appear reaſonable; in the caſe of a legacy or bequeſt, the court ſhall direct the s ſoon as it ſhall appear that the ſame may be delivered without prejudice to the perſon ad- g; and in the caſe of a diſtributive ſhare, the court ſhall direct the delivery as ſoon as the l be aſcertained; and on failure of any former guardian appointed by the court, or of an or adminiſtrator, to comply with ſuch order, his bond may be put in ſuit, and he may alſo ed for contempt, and fined not exceeding three hundred dollars aforeſaid; and the court ſhall er to call on any guardian for new ſecurity, and on failure, may appoint a new guardian.

ry guardian appointed by the court, having the care of a real eſtate, ſhall, within three ter executing his bond, procure the ſaid eſtate to be viewed and reported on by two ſkilful erſons, not related to either party, and appointed by the orphans court, which two perſons, y proceed to act, ſhall ſwear, or affirm, as the caſe may be, before ſome judge or juſtice, will appraiſe the ſame without favour or prejudice, and to the beſt of their ſkill and judge- d it ſhall be the duty of the appraiſers to examine the eſtate, and eſtimate the annual value ncluding any ſlaves, working beaſts and ſtock, and utenſils thereon belonging to the orphan, r to be leaſed with the land; they ſhall likewiſe ſet down, in writing, what dwelling-houſes, , orchards, gardens, meadows, encloſures, and other improvements, are on the land, and the thereof, and what proportion of the ſaid land is in their eſtimation in woods; and they ſhall rtificate, under their hands and ſeals, of the whole they have done, to which ſhall be an- rtificate of their appointment, and of their having taken the oath or affirmation as afore- the ſame ſhall be returned by the guardian to the orphans court, within three months as and the ſame ſhall be evidence againſt him, in caſe of any ſuit for miſconduct brought n.

guardian ſhall commit waſte on the land, but the court may, on his application, allow him n and ſell wood, and account for the ſame, in caſe it ſhall deem the ſame advantageous or or the ward's education and maintenance.

each guardian having a real eſtate under his care, ſhall either cultivate the ſame, with the k and utenſils, belonging to the ward, or to be purchaſed with his or her money, with bation of the court, or he ſhall leaſe the ſame from year to year, or for any term not ex- ree years, and within the non-age of the ward; or he may, with the court's approbation, the eſtate on his own account, and be anſwerable for the annual value, ſuch annual value y third year aſcertained, under the direction of the court.

y guardian ſhall account for all profit and increaſe of the eſtate, or annual value as afore- hall not be anſwerable for any loſs or decreaſe ſuſtained without his fault, to be allowed hans court.

once in each year, or oftener if required, a guardian ſhall ſettle an account of his truſt rphans court; and the ſaid court ſhall aſcertain, at diſcretion, the amount of the ſum to y expended in the maintenance and education of the orphan, regard being had to the fu- on, proſpects and deſtination, of the ward; and the ſaid court, if it ſhall deem it advan- the ward, may allow the guardian to exceed the income of the eſtate, and to make uſe of l, and to ſell part of the ſame, under its order; provided nevertheleſs, that no part of tate ſhall, on account of ſuch maintenance or education, be diminiſhed, without the ap- f the court of chancery, or general court, as well as of the orphans court.

on the firſt account to be rendered by a guardian, he ſhall ſtate the property by him re- n an executor or adminiſtrator, or otherwiſe belonging to his ward, and every increaſe, fits thence ariſing, if any.

ſe the perſonal property of a ward ſhall conſiſt of ſpecific articles, ſuch as ſlaves, working nals of any kind, ſtock, furniture, plate, books, and ſo forth, the court, if it ſhall deem eous for the ward, may at any time paſs an order for the ſale thereof for ready money, or he purchaſer, with ſecurity, giving bond to the ſaid ward, bearing intereſt; and all pro- lative to ſuch ſale ſhall be as herein directed with reſpect to ſales by executors or admi-

y account of a guardian ſhall ſtate his expenditures in maintaining and educating the exceeding the income of the eſtate, unleſs allowed by the court; and for no balance of is hands ſhall he be charged intereſt, unleſs he ſhall conſent to take the ſame on intereſt, rt may direct him to place the ſame at intereſt, taking bond to the orphan, with ſecurity the court; and for the trouble and care of ſuch guardian, the court may allow any com- exceeding ten *per cent.*

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14. On a guardian's failing to account as herein directed, his bond shall be liable to be put and he shall also be liable to attachment and fine as aforesaid, but he shall not be liable to any a court of law, any act to the contrary notwithstanding.

15. On the ward's arrival at age as aforesaid, the guardian shall exhibit a final account orphans court, and shall deliver up agreeably to the court's order, to the said ward, or the h (as the case may require,) all the property of such ward in his hands, including bonds, an securities, and on failure his office bond shall be liable, and he shall also be liable to attachm fine as aforesaid.

16. Nothing in this act contained shall be construed to affect the general superintending exercised by the court of chancery with respect to trust.

CHAP. 13. Rights of widows.

1. EVERY devise of land, or any estate therein, or bequest of personal estate, to the wif testator, shall be construed to be intended in bar of her dower in lands, or share of the estate respectively, unless it be otherwise expressed in the will.

2. A widow shall be barred of her right of dower in land, or share in the personal estate such devise, or bequest, unless within ninety days after the authentication or probat of the shall deliver, or transmit to the court where such authentication or probat hath been made, renunciation in the following form, or to the following effect: "I, A. B. widow of —— " of ——, deceased, do hereby renounce and quit all claim to any bequest or devise made " the last will of my husband, exhibited and proved according to law; and I elect to take " thereof, my dower, or legal share of the estate of my said husband, A. B." But by renou claim to a devise or bequest, or devises or bequests of personal property, made to her by th her husband, she shall be entitled to one third part of the personal estate of her husband, w remain after payments of his just debts, and claims against him, and no more.

3. If the will of the husband devise a part of both real and personal estate, she shall re whole, or be otherwise barred of her right to both real and personal estate.

4. If the will devise only a part of the real estate, or only a part of the personal estate vise shall bar her of only the real, or personal estate, as the case may require; provided less, that if the devise of either real or personal estate, or of both, shall be expressly in legal share of one or both, she shall accordingly be barred, unless she renounce as aforesaid.

5. But if in effect, nothing shall pass by such devise, she shall not be thereby barred she shall or shall not renounce as aforesaid, it being the intent of this act, and consonant that a widow accepting, or abiding by a devise, in lieu of her legal right, shall be consi purchaser with a fair consideration.

6. If a widow commit waste in the lands of the deceased, she shall be liable to an acti heir or devisee, or his or her guardian; and if she marry a second husband, he shall be a for any waste committed by her before marriage, or by himself.

7. A widow's remedy for dower shall be as heretofore.

CHAP. 14. Appendix, containing rules omitted under their proper heads.

1. IF any person entitled to administration, shall deliver, or transmit to the orphan declaration, in writing, that he is willing to decline the trust, the court shall proceed person were not entitled.

2. If an executor or administrator shall die before administration is completed, letters may be granted, at the discretion of the court, with a copy of the will annexed, (if the cas giving preference, however, to the person entitled, if he or she shall actually apply for the the form of the letters shall be as herein before directed, except that the words "alrea ministered," be added in their proper place; and the authority conferred by such letters administer all things herein described as assets, not converted into money, and not dis delivered, or retained by the former executor or administrator, under the court's direction

3. A common warrant for land not executed or located in the life-time of the decease assets after his death, in the hands of an executor or administrator, and subject to distr well as every debt due to, or just claim of, the deceased; and if a common warrant for l ecuted or located as aforesaid, it shall be considered as the property of the heirs.

4. No personal action shall abate by the death of either party, but executors and adm shall notice and conform to the directions of the act of seventeen hundred and eighty-fiv eighty, respecting their prosecution or defence of such action.

5. If any thing be bequeathed to an executor, by way of compensation, no allowance sion shall be made, unless the said compensation shall appear to the court to be insufficient it shall be reckoned in the commission to be allowed by the court.

6. No executor shall be obliged to exhibit any inventory, or account, provided he will instead of the bond herein before directed, with such security, and in such penalty, as the

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, to the ſtate of Maryland, to be recorded and ſued as before directed, with condition "for ll juſt debts of, and claims againſt, the deceaſed, and all damages which ſhall be recovered him as executor, and alſo all legacies bequeathed by the will," provided the ſaid executor be y legatee, or provided the reſiduary legatee of full age, ſhall notify his or her conſent to the and in caſe ſuch bond be given by an executor, he ſhall be anſwerable for all debts, claims ages, recovered againſt him as executor; and if ſuit be brought againſt him as executor, the t ſhall be for the whole ſum found by the jury, or otherwiſe aſcertained, and execution may d have effect, as if he were ſued in his own right; and any legatee ſhall be entitled to the full amount of his legacy, either in a ſuit upon the ſaid executor's bond, or in a ſuit in y, as is uſual in caſe of legacies, or in an action on the caſe, in which the giving of ſuch all be conſidered as an aſſent to the legacy.

o adminiſtrator, entitled to the whole reſidue after payment of debts of, and claims againſt, ſtate, ſhall be obliged to return an inventory or account, provided he will give bond, with urity, and in ſuch penalty, as the court ſhall approve, conditioned for paying all debts, claims ages, which ſhall be recovered againſt him, as adminiſtrator; and in caſe he ſhall give ſuch e ſhall be anſwerable for all debts, claims and damages aforeſaid, and judgment may be nd execution may iſſue and have effect, as herein directed with reſpect to an executor ſimilar bond.

e rules and regulations herein contained, relative to laſt wills and codicils, ſhall be con- extend to all caſes where the teſtator or teſtatrix ſhall die after the time when the opera- his act ſhall commence, without regard to the time of making the will or codicil.

raſmuch as it is the intent of the law now in force, as well as of this act, that executors and rators ſhould ſuffer no loſs from the decreaſe of the eſtate, and make no gain from the in- nd that, when neceſſary for paying debts, a ſale ſhall take place, and the ſaid executor or rator be accountable for the amount of the ſales, in every caſe where letters teſtamentary miniſtration have already been granted, and the adminiſtration hath not been completed, l account paſſed, the rules herein before laid down, relative to the duties and powers of s and adminiſtrators, and the remedies againſt them, ſhall govern and prevail with reſpect part of the adminiſtration as ſhall remain incomplete at the time when the operation of this commence; provided nevertheleſs, that this act ſhall not be conſtrued to deprive any ex- adminiſtrator of any right which accrued to him by entering on his truſt, or to exempt any or adminiſtrator from any remedy or proceeding againſt him, which any perſon is or ſhall ed to on account of his not having obſerved the directions of the law now in force.

ll rules herein contained, relative to an executor or adminiſtrator, ſhall apply and extend ecutrix or adminiſtratrix, or executors or adminiſtrators reſpectively, unleſs otherwiſe ex- rovided for; and whenever any party in the ſingular number, or a male party is mentioned, hall apply to a female, or to two or more having a joint intereſt, or jointly concerned, ap- called upon, ſo far as the rule can with propriety apply, or ſo far as is not otherwiſe

any ſecurity of an executor or adminiſtrator ſhall conceive him or herſelf in danger of from the ſuretyſhip, he may apply to the orphans court which granted the adminiſtration, aid court may call upon the party to give counter ſecurity, to be approved by the court; e party ſo called on ſhall not, within a fixed reaſonable time, give ſuch counter ſecurity, may order the property remaining in the hands of ſuch executor or adminiſtrator to be up to ſuch ſecurity, and the court may enforce the delivery, by proceſs, as hereafter and an inventory of the property delivered to ſuch ſecurity ſhall be returned without d the property contained in ſuch inventory ſhall be by the ſaid ſecurity ſold, diſtributed and up, as the caſe may require, under the immediate order of the court, as if ſuch ſecurity cutor or adminiſtrator; but inaſmuch as it would be inconvenient to creditors, and others in the eſtate, if there ſhould be a double adminiſtration, the executor or adminiſtrator n to diſcharge his truſt, unleſs the court revoke his letters for ſome juſt cauſe, as herein rected, and he ſhall be anſwerable for the property in the ſame manner as if it were not on t as aforeſaid delivered to the ſecurity, and he ſhall be entitled to ſue the ſaid ſecurity, in action on the caſe, grounded on this act, and recover damages, with double coſts, in caſe ffer from the miſconduct of ſuch ſecurity, in diminiſhing any part of the property, without an allowance for the ſame from the court; and the ſaid ſecurity ſhall bring into court, to ed with the regiſter of wills, the money ariſing from the ſale of any property as aforeſaid, ied according to the meaning of this act.

y executor or adminiſtrator ſhall be entitled to appoint a meeting of creditors, or of per- ed to diſtributive ſhares or legacies, or a reſidue, on ſome day by the court approved, and claims, payment or diſtribution, may be there made, under the court's direction and control.

CHAP. CI.

CHAP. 15.

Orphans court and regiſter of wills.

1. THE governor, by and with the advice and conſent of the council, ſhall have autho appoint and commiſſion three men of integrity and judgment in each county of the ſtate, juſtices of the orphans court in ſuch county, for the purpoſe of taking the probat of wills, g letters teſtamentary and of adminiſtration, directing the conduct and ſettling the accounts of tors and adminiſtrators, ſecuring the rights of legatees, ſuperintending the diſtribution of the of inteſtates, ſecuring the rights of orphans and legatees, and adminiſtering juſtice in all relative to the affairs of deceaſed perſons, according to law.

2. The form of the commiſſion ſhall be as follows: "The State of Maryland, to A. B. C. "E. F. of —— county, gentlemen, Greeting. Be it known, that repoſing great truſt and co "in your judgment, integrity and love of juſtice, we hereby appoint you juſtices, and each o "juſtice, of the orphans court for —— county, to do equal right and juſtice, according to "of this ſtate, in every caſe in which you ſhall act under this commiſſion, freely without fa "without denial, and ſpeedily without delay; and you, or any two of you, are appoint "authoriſed to execute the powers of the ſaid orphans court, honeſtly and faithfully, accor "law, until you ſhall be duly diſcharged from your ſaid office. Given under the ſeal of the "Maryland, this —— day of ——. Witneſs —— ——, chancellor."

3. Each of the perſons named in ſuch commiſſion ſhall be entitled to hold and exerciſe h until a new commiſſion as aforeſaid, in which his name ſhall not be included, ſhall be produc opened in court of which he is a juſtice.

4. Every ſuch commiſſion, if the perſons therein named, or any of them, ſhall qualify u ſhall be recorded in the offices of the regiſters of wills, amongſt the proceedings of the courts whereof they are appointed juſtices.

5. The juſtices of the orphans court in each county, already commiſſioned and qualified, and are hereby authoriſed, until a new commiſſion ſhall be produced and opened as aforeſaid, their offices, and exerciſe the powers veſted in orphans courts by this act, or by any law wh be in force after the operation of this act ſhall commence.

6. Any perſon who ſhall qualify under ſuch commiſſion may alſo act under a commiſſion of the peace.

7. But no perſon named in ſuch commiſſion to the orphans court ſhall be authoriſed to act of the orphans court, until he ſhall have repeated and ſubſcribed a declaration of his belie chriſtian religion, and taken, repeated and ſubſcribed, the oath of allegiance preſcribed by ſtitution, and the oath of a judge or juſtice preſcribed by the act of February, ſeventeen and ſeventy-ſeven, chapter five, and the oath of fidelity to the United States, preſcribed congreſs; and any perſon named in ſuch commiſſion may adminiſter the ſaid oaths to, and declaration aforeſaid of, any other named in the commiſſion, but it ſhall not be neceſſary for ſon named in ſuch commiſſion, who has acted as a juſtice under the next preceding commi qualify on opening the new commiſſion.

8. The orphans court ſhall be held in each county on the ſecond Tueſday in every February, April, June, Auguſt, October and December, and oftener if need be, accordin own adjournment; and any one of the juſtices of the ſaid court, in the abſence of the othe have power to hold the ſaid court, at a ſtated time of adjournment, only for the purpoſe of ing; any two of them ſhall have full power to do any act which the ſaid court is or ſhall be a by law to perform, and any two of them ſhall have power to hold the court, on any day n in an adjournment, on the application of any perſon having preſſing buſineſs in the ſaid co vided notice thereof be given to all, and in ſuch caſe the regiſter ſhall record, that ſuch no been given.

9. The regiſter of wills in each county, already or hereafter to be appointed agreeably to ſtitution, ſhall diligently attend each meeting of the orphans court in his county, and un direction make full and fair entries of their proceedings, and ſhall alſo make a fair record, in bound book or books, of all wills proved before him, or the ſaid court, or authenticated to this act, and of all other matters by law directed to be recorded in the ſaid court, or in h he ſhall make out and iſſue every ſummons, proceſs or order of the court, and ſhall, in ſpect, act under their control and direction, as the clerk of a court of law is under the di the ſaid court of law; and he ſhall give out, and certify under the ſeal of the court, any co part of the proceedings in the court, or in his office, which any perſon may demand; and h entitled to a reward for any ſervice by him done, according to the table of fees now or he be ſettled by law.

10. The ſaid regiſter of wills ſhall attend on every Tueſday and Saturday at the town where the orphans court is held, unleſs prevented by ſickneſs, accident or neceſſity, for the of office buſineſs; he ſhall lodge every original paper and record by him made up in ſome of the court-houſe of the county, or in ſuch other place of ſafety which the ſaid court may

y court of the county ſhall provide and keep in repair the ſaid repoſitory at the county's

Every perſon hereafter appointed regiſter of wills, before he acts as ſuch, ſhall, before the rt, or ſome judge or juſtice, qualify, by repeating and ſubſcribing the declaration aforeſaid, ing, repeating and ſubſcribing, the aforeſaid oaths of allegiance and fidelity, and by taking, g and ſubſcribing, the following oath of office: "I, A. B. do ſwear, (or ſolemnly, ſincere- truly affirm,) that I will diligently, honeſtly and faithfully, execute the office of regiſter of in —— county, according to the beſt of my ſkill and judgment; ſo help me GOD."

The orphans court in each county ſhall keep a ſeal for the ſaid court, and for the office of re- wills; and each orphans court that hath not already a ſeal, ſhall provide the ſame at the ex- the county, and the ſaid ſeal ſhall be fixed to all certificates of the court, or of the regiſter, very proceſs and writ of every kind iſſued from the court. The orphans court ſhall have full authority and juriſdiction to examine, hear and decree upon, all accounts, claims and de- exiſting between wards and their guardians, and between legatees, or perſons entitled to any able part of an inteſtate's eſtate, and executors and adminiſtrators, and may enforce obedience execution of, their decrees, in the ſame ample manner as the court of chancery may; and rt may, upon the application of an infant, or any perſon on his behalf, ſuggeſting improper in any guardian whatever, either in relation to the care and management of the property or of any infant, inquire into the ſame, and at their diſcretion remove ſuch guardian and make of another, who ſhall give ſecurity, and conduct himſelf in the manner herein before pre- and ſhall receive the property and cuſtody of the ſaid ward.

The orphans court ſhall, in all caſes, have power to iſſue a ſummons for any perſon concerned affairs of a deceaſed perſon, or for any witneſs or other perſon whoſe appearance in the ſaid or any purpoſe, ſhall be deemed neceſſary or proper, and the ſaid ſummons ſhall be returna- the diſcretion of the court, or as herein before directed; and if it be neceſſary or proper to the appearance of the party, the court, on the return of "ſummoned," and failure to ap- ay iſſue an attachment; and when the party ſhall appear, or be brought in thereon, may fine her, not exceeding thirty dollars; and if a witneſs before the court ſhall refuſe to give evi- the court may commit him or her to the cuſtody of the ſheriff of his or her county, or coro- the caſe may require,) there to remain until he give evidence, or be diſcharged according to the court may attach and ſequeſter the party's eſtate, or a part thereof, as hereafter directed. very ſheriff and coroner, (as the caſe may require,) ſhall ſerve any ſummons or proceſs to cted by the orphans court of his or any other county within the ſtate, and ſhall make return according to its tenor, and on failure, he ſhall be liable to be proceeded againſt by attach- d fine as aforeſaid, or otherwiſe, as any other perſon may be proceeded againſt.

n any caſe where two ſummonſes ſhall be regularly returned *non eſt* by the ſheriff, or other f the county where the party laſt reſided, and it ſhall be neceſſary to proceed further to com- party's attendance, the court may order and iſſue an attachment againſt his or her lands, ts, goods and chattels, and on return of ſuch attachment, to which a ſchedule of the pro- if any,) attached ſhall be annexed, the court, by order, or commiſſion under ſeal, may au- ſome perſon or perſons to take into his care and cuſtody the lands, tenements, goods and returned in the ſchedule, or any part thereof, and receive the profits thereof, to be ac- for, until the party ſhall appear and obey the order of the court, or until further order, and ff, or other officer, ſhall deliver the property accordingly, or be liable to be proceeded againſt aid; provided, that the perſon or perſons ſo authoriſed ſhall firſt give bond to the ſtate, with urity, and in ſuch penalty, as the court ſhall direct, to be recorded, ſued, and to be on a with an adminiſtration bond, conditioned for rendering a true account of the ſaid eſtate or , and of the profits thereof, and to deliver the ſame according to the court's order, deduct- allowance for loſs, and ſuch commiſſion, not exceeding five *per cent.* on the whole, as the ll think proper to grant; and whenever the purpoſe for which the ſaid property was ſequeſ- all have been anſwered, the court ſhall direct the ſaid eſtate or property, and profits, (de- as aforeſaid,) to be reſtored to the party; and on the death of the party, the court ſhall or- ame to be delivered to his or her heirs, deviſees or legal repreſentatives, as ſoon as the ſaid ſhall be anſwered, or immediately, on application, and ſatisfying the court of the party's caſe the ſaid purpoſe, after the death of the original party, cannot be anſwered.

henever either of the parties having a conteſt in the orphans court ſhall require, the ſaid ay direct a plenary proceeding, by bill or petition, to which there ſhall be an anſwer, on affirmation,) and if the party refuſe to anſwer on oath, (or affirmation, as the caſe may re- o any matter alleged in the bill or petition, and proper for the court to decide upon, the y may be attached, fined and committed, or his property may be attached and ſequeſtered, aid.

17. And

CHAP. CI.

17. And on such plenary proceeding all the depositions shall be taken in writing, and rec and in case either party shall require, the court shall direct an issue or issues to be made up, a to any court of law which may be most convenient, under all circumstances, for trying the and the said issue or issues shall be tried in the said court of law as soon as may be, without an tinuance longer than is necessary to procure the attendance of a witness or witnesses; and the of the court of law, and proceedings thereto relative, shall be as herein before directed resp the trial of issues; and the orphans court shall give judgment, or decree upon the bill and ans upon bill, answer, depositions, or finding of the jury; and in all cases of contest, the orphans may award costs to the party in their opinion entitled thereto, and may compel payment, by ment of the body, and fine, or attachment and sequestration, as aforesaid, of the property.

18. Any person who may conceive him or herself aggrieved by any judgment, decree, deci order, of the orphans court, shall have the liberty of appealing to the court of chancery, or general court of the shore whereon such orphans court is held; if the judgment, decree, deci order, shall have been given or made on a summary proceeding, and on the testimony of wit the party shall not be allowed to appeal, unless he or she shall immediately notify his intentio request that the testimony be reduced to writing, and in such case the depositions shall be, at t of the party in the first instance, reduced to writing; and a transcript of the whole proceedi lating immediately to the matter, shall be made out by the register of wills, and certified by h der seal, and transmitted to the said appellate court by the party within thirty days from the the decision or order, the said party shall otherwise lose the privilege of appeal; and, if the of the orphans court be in a summary way, and on papers filed in the court, no party shall b tled to appeal, unless he or she enter the appeal within three days, and transmit a certified the proceedings as aforesaid within thirty days aforesaid; but in case there shall have been proceedings as aforesaid, either party may prosecute the appeal, by entering the same as afo and by transmitting a certified copy as aforesaid within sixty days from the date of the decree, ment, decision or order, provided that this article shall not affect the case of appeal by this act specially provided for; and in the said appellate court the appeal, so carried up, shall stand fo ing and decision at the term next succeeding the transmission of the proceedings, and the sai shall, at the said term, or as soon as conveniently may be, either affirm the decree, judgment sion or order, of the court below, or direct in what manner it shall be changed or amended, decision of such appellate court shall be final and conclusive; and when the decision of such a court shall be certified, under the seal by the register or clerk of such court, and transmitted orphans court, the said orphans court shall proceed according to the tenor or directions there

19. An appeal from the orphans court shall not stay any proceedings therein which may w priety be carried on before the appeal is decided, provided the said orphans court can pro conforming to the decision of the court above, whether the said decision may eventually be against the appellant.

20. The said orphans court shall not, under pretext of incidental power, or constructive aut exercise any jurisdiction whatever not expressly given by this act, or some other law; bu judgment, decree, decision or order, of the said court, may be enforced by attachment and tration as aforesaid; and if the said judgment, decree, decision or order, be for paying mon property sequestrated may, at the discretion of the court, be applied to the purpose for whi judgment, decree, decision or order, was given.

Acts repealed.

IV. AND BE IT ENACTED, That the act of assembly for instituting orphans courts, (a) an supplement or act in addition thereto, or so much thereof as is repugnant to the provisions act, shall be and are hereby repealed from the time when the operation of this act is to comm

(a) February, 1777. ch. 28

Duration.

V. AND BE IT ENACTED, That this act shall operate and be in full force from and after day of June next, and shall continue in force until the end of the year one thousand eight h and one.

CHAP. CII.

Passed 20th of Jan. 1799. * Chapter 64.

A Supplement to the act, * entitled, An act for the relief of s insolvent debtors, passed at the present session of assembly.

JG. No. 3. fol. 222.

Preamble.

WHEREAS the names of sundry insolvent petitioners who are entitled to relief have n included in the act to which this is a supplement,

E IT ENACTED, *by the General Assembly of Maryland*, That the benefits resulting from the said be and are hereby extended to the following persons, to wit: Samuel Dorsey, James Elmore orge Lytle, of Baltimore county, Bailey Washington and Mary Sweeney, of Prince-George's Joseph Everitt and Nathaniel Bailey, of Queen-Anne's county, John Bull, Frederick s and Daniel Amos, of Harford county, Patrick Goulding, John Goulding, Andrew Gould- homas Goulding, Thomas Jenkins, James Walker, Joel West, Jonathan Sellman, Sarah and Oliver Pomponeau, of the city of Baltimore, Jacob Earhart, of Washington county, eming, Thomas Nicholls, of John, Townsend W. Hunt and Richard Forrest, of Montgomery Thomas Gassaway, of Allegany county, in as full and ample manner as if they had been y mentioned in the said act, provided that they severally comply with the provisions of the

CHAP. CII. Benefits extended.

ND BE IT ENACTED, That in case the chancellor shall be satisfied, by affidavit or otherwise, r trustee by him appointed for the benefit of the creditors of an insolvent debtor hath left the d that the creditors are likely to suffer loss in consequence thereof, the chancellor may, on lication of any of the creditors, appoint any person to take into his care and custody any of the insolvent which may be within the state, and retain the same until further order; n the chancellor shall appoint a person to take charge as aforesaid, he shall also pass an order, ublished at least three times in some convenient news-paper, calling upon the trustee to ap- ore him within a time limitted, not less than two months from the first publication, and ren- ccount of his proceedings as trustee, and if the said trustee shall not appear agreeably to such uly published, the chancellor shall have power immediately to appoint another trustee in the the absent trustee.

Chancellor, on application, to appoint a person, &c.

CHAP. CIII.

rther additional supplementary act to the act, * entitled, An act quieting possessions, enrolling conveyances, and securing the ates of purchasers. Lib. JG. No. 3. fol. 223.

Passed 20th of Jan. 1799.
* 1715, ch. 47.

T ENACTED, *by the General Assembly of Maryland*, That all and every deed, limitation or con- yance of lands, of whatsoever kind or nature it may be, required by the laws of this state to owledged and recorded, executed by nonresidents, shall be acknowledged within the follow- e, viz. If made by a person or persons residents without the United States, it shall and may owledged in the manner and form as set forth in the original act to which this is a supple- ithin eighteen months after the time of execution of such deed, limitation or conveyance; ted by a resident without the state of Maryland, but within the United States, the same acknowledged within six months after the time of execution.

Time in which deeds are to be acknowledged, &c.

CHAP. CIV.

CT to authorise the justices of the levy court of Prince-George's unty to levy a sum of money on the assessable property of said unty for the purposes therein mentioned. Lib. JG. No. 3. . 223.

HEREAS it is represented to this general assembly, by the petition of the justices and sundry inhabitants of said county, that the court-house in said county is in a ruinous state, and that no public gaol in said county; therefore,

Preamble.

E IT ENACTED, *by the General Assembly of Maryland*, That it shall and may be lawful for the of the levy court for Prince-George's county for the time being, and they are hereby autho- d empowered, to levy on the assessable property, except that part of the territory of Colum- out for the city of Washington, in said county, by two equal assessments, a sum of money eeding twelve thousand dollars, which sums so assessed shall be collected by the collectors of nty aforesaid as other levies are collected, and paid to the justices of the levy court for the ing for Prince-George's county, who are hereby authorised and empowered to apply the same, discretion, to the repairing the old court-house in said county, or to the building a new court- n said county, and to the building of a gaol in said county, and to no other purpose what-

Justices to levy money, &c.

III. AND

CHAP. CIV. And to contract, &c.

III. AND BE IT ENACTED, That the juſtices of the levy court of the ſaid county for the ti ing ſhall contract with ſuch perſons as they may think proper, or authoriſe any two of ſaid to contract, in any manner they may think beſt, for the building a new court-houſe, or repair old court-houſe, and for the building a public gaol, in ſaid county, and ſhall take from the pe perſons contracting with ſuch juſtices ſufficient ſecurity, in double the ſum, for the perfo of his or their contract; and in caſe the ſaid juſtices ſhould think it beſt to build a new court they are hereby authoriſed and empowered to diſpoſe of the old court-houſe in ſuch manner may think beſt, applying the proceeds of the ſame to the building the new court-houſe and ſaid county.

See 1799, ch. 62.

CHAP. CV.

Paſſed 20th of Jan. 1799.

An ACT to eſtabliſh and incorporate a medical and chirur faculty or ſociety in the ſtate of Maryland. Lib. JG. N fol. 224.

Preamble.

WHEREAS it appears to the general aſſembly of Maryland, that the eſtabliſhment and poration of a medical and chirurgical faculty or ſociety of phyſicians and ſurgeons in t ſtate will be attended with the moſt beneficial and ſalutary conſequences, by promoting and nating medical and chirurgical knowledge throughout the ſtate, and may in future prevent t zens thereof from riſking their lives in the hands of ignorant practitioners or pretender healing art; therefore,

Perſons incorporated, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Guſtavus Brown, Willia dale, Barton Tabbs, Elijah Jackſon and William H. Roach, of Saint-Mary's county, James derſon, junior, Morgan Browne, junior, Edward Scott, Robert Geddes and Edward Warrell, county, Charles Alexander Warfield, Richard Hopkins, Wilſon Waters, Thomas Noble S and William Murray, of Anne-Arundel county, Thomas Bourne, Thomas Parran, Joſeph Daniel Rawlings and James Gray, of Calvert county, John Parnham, Guſtavus Richard Brow niel Jenifer, John M. Daniel and Gerard Wood, of Charles county, Thomas Cradock, Thoma John Cromwell, Philip Trapnell and Chriſtopher Todd, of Baltimore county, Perry E. No phen Theodore Johnſon, Triſtram Thomas and Ennalls Martin, of Talbot county, Levin Arnold Elzey, Ezekiel Haynie, John Woolford and Matthias Jones, of Somerſet county, White, James Sulivane, Dorſey Wyvill, William Hays and Howes Goldſborough, of Dor county, Abraham Mitchell, William Miller, Eliſha Harriſon, John Grome and John King, o county, Richard J. Duckett, William Beanes, junior, William Marſhall, William Baker and Pottinger, of Prince-George's county, Upton Scott, James Murray, John Thomas Shaaff a verdy Ghiſelin, of the city of Annapolis, James Davidſon, John Wells, Samuel Thompſon, Goldſborough and John Thomas, of Queen-Anne's county, John Neille, Thomas Faſſett, Waſhington Purnell, John Purnell and John Huſton, of Worceſter county, Philip Thomas, Brown Sappington, William Hilleary, John Tyler and Joſeph Sim Smith, of Frederick county Archer, Thomas H. Birckhead, Elijah Davis and Thomas Archer, of Harford county, Jeſſe D John Young, junior, Benjamin Keene, Joſeph Price and Henry Helm, of Caroline county, Brown, John Coulter, Miles Little John, George Buchanan, Lyde Goodwin, Aſhton Alexand thur Pue, Daniel Moores and Henry Stevenſon, of the city of Baltimore, Richard Pindell, Young, Peter Waltz, Jacob Schnievley and Zachariah Clagett, of Waſhington county, Gantt, Charles Worthington, Joſeph Hall, Zadok Magruder, junior, James Anderſon and A. Beatty, of Montgomery county, Benjamin Murrow, James Forbes and George Lynn, of ny county, and ſuch perſons as they may from time to time elect, and their ſucceſſors, are declared to be one community, corporation and body politic, for ever, by and under the na title of The Medical and Chirurgical Faculty of the State of Maryland, and by and under th name and title they ſhall be able and capable in law to purchaſe, take, have and enjoy, to th their ſucceſſors, in fee, or for leſs eſtate or eſtates, any lands, tenements, rents, annuities, bank ſtock, regiſtered debts, or other public ſecurities within this ſtate, by the gift, bargain, deviſe, of any perſon or perſons, bodies politic or corporate, capable to make the ſame, and th at their pleaſure to alien, ſell, transfer or leaſe, and apply to ſuch purpoſes as they may adjud conducive to the promoting and diſſeminating medical and ſurgical knowledge, or to alleviat calamities and miſeries of their fellow-citizens; provided nevertheleſs, that the ſaid faculty politic ſhall not, at any one time, hold or poſſeſs property, real, perſonal or mixed, exceedin tal value the ſum of ten thouſand dollars *per annum*.

III

AND BE IT ENACTED, That the members of the ſaid faculty above deſignated may and ſhall their firſt meeting at the city of Annapolis on the firſt Monday in June next, or as ſoon there- a number not leſs than fifteen of them can be convened, at which meeting they may appoint nt, a ſecretary and treaſurer, make a common ſeal, and may elect into their body ſuch me- chirurgical practitioners within this ſtate as they may think qualified to become members of ty. CHAP. CV. First meeting to be at Annapolis, &c.

ND BE IT ENACTED, That it ſhall and may be lawful for the ſaid medical faculty, or any of them then attending, (not leſs than fifteen,) to elect by ballot twelve perſons of the medical and chirurgical abilities in the ſtate, who ſhall be ſtyled The Medical Board of Ex- for the State of Maryland, ſeven of whom ſhall be reſidents of the weſtern and five of the ore of Maryland, whoſe duty it ſhall be to grant licences to ſuch medical and chirurgical n as they, either upon a full examination, or upon the production of diplomas from ſome e college, may judge adequate to commence the practice of the medical and chirurgical perſon ſo obtaining a certificate to pay a ſum not exceeding ten dollars, to be fixed on or d by the faculty. Faculty to elect twelve perſons, &c.

D BE IT ENACTED, That any five of the examiners appointed for the weſtern, and any thoſe appointed for the eaſtern ſhore, ſhall conſtitute a board on their reſpective ſhores for ſuch candidates as may apply on the ſaid ſhores reſpectively, and ſhall ſubſcribe their each certificate by them granted, which certificate ſhall be alſo counterſigned by the preſi- e faculty, and have the ſeal of the faculty affixed thereto by the ſecretary, upon the pay- the hands of the treaſurer of the ſum of money to be aſcertained as above by the faculty; one of ſaid examiners may grant a licence to practiſe until a board, in conformity to this e held. Five examiners to be a board, &c.

D BE IT ENACTED, That after the appointment of the aforeſaid medical board, no perſon, y a practitioner of medicine or ſurgery, ſhall be allowed to practiſe in either of the ſaid and receive payment for his ſervices, without having firſt obtained a licence, certified as directed, under the penalty of fifty dollars for each offence, to be recovered in the coun- where he may reſide by bill of preſentment and indictment, one half for the uſe of the fa- the other for that of the informer. No perſon to practiſe without licence, &c.

ND BE IT ENACTED, That every perſon who, upon application, ſhall be elected a member lical faculty, ſhall pay a ſum not exceeding ten dollars, to be aſcertained by the faculty. Perſons to pay, &c.

AND BE IT ENACTED, That every perſon who, upon application, ſhall be elected a member lical faculty, ſhall pay a ſum not exceeding ten dollars, to be aſcertained by the faculty. Perſons to pay, &c.

D BE IT ENACTED, That the ſaid medical faculty be and they are hereby empowered, from me, to make ſuch by-laws, rules and regulations, as they may find requiſite; to break or common ſeal; to fix the times and places for their general meetings, for the meetings of of examiners, the modes and times of electing officers, filling up vacancies in the medical to do and perform ſuch other things as may be requiſite for carrying this act into and which may not be repugnant to the conſtitution and laws of this ſtate, or the tes. Faculty to make by-laws, &c.

CHAP. CVI.

CT reſpecting writs of *habeas corpus*. Lib. JG. No. 3. 26.

Paſſed 20th of Jan. 1799.

NACTED, *by the General Aſſembly of Maryland*, That the ſeveral county courts in this ſtate, their reſpective ſittings, and at all other times the chief juſtice of the ſeveral diſtricts , be and they are hereby authoriſed and empowered, upon application, to iſſue their writ *rpus*, and cauſe to be brought before them, any perſon or perſons who are or ſhall be in within their reſpective juriſdictions, and to inquire into the cauſe of ſuch confinement, diſcharge, admit to bail, or commit ſuch perſon or perſons, as the caſe may require, in anner as is now practiſed by the judges of the general court. Courts, &c. may iſſue writs, &c.

CHAP. CVII.

Paſſed 20th of Jan. 1799.

An ACT for the promotion of literature in this ſtate. Lib. No. 3. fol. 226.

Preamble.

WHEREAS the eſtabliſhment and promotion of literary inſtitutions for the liberal educ youth, under proper regulations, in different parts of this ſtate, would have beneficia in training up and continuing a ſucceſſion of able and virtuous characters for diſcharging the offices and duties of public and private life;

Sum diſcontinued, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſum of five hundred part of the ſum heretofore appropriated to Waſhington college, ſhall be and the ſame is diſcontinued, after the firſt day of May next.

Treaſurer to pay, &c.

III. AND BE IT ENACTED, That the treaſurer of the weſtern ſhore ſhall be for ever authoriſed and required to pay annually, on or before the firſt day of June, to the ſeveral ſe of learning herein after enumerated, in the following proportions, to wit: To the vi truſtees of Waſhington academy, in Somerſet county, or to their order, the ſum of eight dollars; to John Edmondſon, Nicholas Hammond, Samuel Chamberlaine, Thomas J. Bull liam Hayward, Ennalls Martin and Stephen Theodore Johnſon, and their ſucceſſors, as tr the uſe of an academy to be eſtabliſhed in Talbot county, eight hundred dollars; to the and truſtees of Charlotte-Hall ſchool, or to their order, eight hundred dollars; to the vi truſtees of the Frederick county ſchool, or to their order, eight hundred dollars.

Truſtees appointed, &c.

IV. AND BE IT ENACTED, That Charles Ridgely, of Hampton, Harry Dorſey Gough, Cockey, of Thomas, John Tolly Worthington, Patrick Alliſon, doctor John Carroll, do Archer, Jeſſe Jarratt, Nicholas Day M'Comas, James Bond, doctor Jacob Hall and doctor H. Berckhead, be and hereby are appointed truſtees for an academy to be erected in Bal Harford county, and that the ſaid truſtees ſhall locate, erect and ſuperintend, the ſaid ac the ſame manner that other truſtees are authoriſed to do under the proviſions of this act ſaid truſtees are hereby authoriſed to receive from the treaſurer of the weſtern ſhore t eight hundred dollars annually, at the ſeveral times on which the truſtees for other acade tuted under this act are entitled to receive the ſame, and the ſaid monies, when received, in their diſcretion, towards the purchaſe of grounds for the ſite of ſaid academy, building or payment of tutors therein employed; and the ſaid truſtees are alſo authoriſed to r donation, any lands or tenements for the uſe and benefit of ſaid ſchool, provided the ſame extent more than fifty acres, or perſonal property in amount not more than two thouſa

Viſitors to return an account annually, &c.

V. AND BE IT ENACTED, That the viſitors and directors of each of the ſchools afor annually, on or before the twenty-fifth day of November in each year, return to the gener an account of all ſums by them received in virtue of this act, the names of the perſons paid, for what uſe, as alſo a ſtate of their reſpective ſchools, the name of the teacher o engaged, and the number and names of the ſcholars actually at ſaid ſchools, under the pe forfeiture of their donations reſpectively upon a failure of making the return as aforeſaid.

CHAP. CVIII.

An ACT declaring what ſhall be evidence in certain caſes mentioned. Lib. JG. No. 3. fol. 228.

Preamble.

WHEREAS copies of the proceedings of the governor and council, or of the treas the office of the auditor, are not receivable as evidence: And whereas it is i that civil officers of government ſhould be frequently obliged to leave their offices and att evidence of matters relating to their offices;

Copies atteſted to be received, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That a copy of any of the boo entries or proceedings, of the governor and council, atteſted by the clerk of the council, copy of any of the books, papers, entries and proceedings, of the treaſury, atteſted by rer, and alſo a copy of any of the books, papers, entries and proceedings, of the o auditor of the ſtate, atteſted by the auditor, and alſo a copy of any of the books, pape and proceedings, in poſſeſſion of the regiſter of the land-office, not being matter of r by him atteſted, ſhall be received in evidence in any court of law or equity, or before juſtice, or other tribunal in this ſtate, in the ſame manner, and to have the ſame effec

books, papers, entries or proceedings, were themſelves produced; provided the ſaid ſo atteſted, are ſworn to be true copies by the perſons reſpectively atteſting them. CHAP. CVIII.

CHAP. CIX.

ACT for the relief of Peter Redhead, of Talbot county, an olvent debtor. Lib. JG. No. 3. fol. 228.

Paſſed 20th of Jan. 1799.

EREAS Peter Redhead, of Talbot county, has ſtated to this general aſſembly his inability o pay his debts, and has petitioned for an act to releaſe him therefrom upon giving up all erty to the uſe of his creditors: And whereas it appears to this general aſſembly that all of Peter Redhead's creditors, except John Erſkine, of Baltimore city, are willing to take their of ſaid Redhead's property, and grant him a releaſe: And whereas his inability to obtain kine's conſent to the releaſe prayed for precludes him from the benefit of a general inſolvent ſaid Redhead being a debtor to the amount of more than two thirds in value of his debts to kine, which juſtifies a diſtinction of his caſe from others who have petitioned for ſimilar acts; Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That in caſe the ſaid Peter Redhead ſhall, fore the firſt day of June next, before the chancellor of this ſtate, make and ſubſcribe the oath, or affirmation, to wit: "I, Peter Redhead, do ſwear, or ſolemnly, ſincerely and declare and affirm, that I will deliver up, convey and transfer, to my creditors, in ſuch r as the chancellor ſhall direct, all my property that I have or claim any title to or intereſt this time, and all debts, rights and claims, which I have, or am any way entitled to, in ion, remainder or reverſion, and that I have not, directly or indirectly, at any time, ſold, ed, leſſened or diſpoſed of, for the uſe or benefit of any perſon or perſons, or intruſted rt of my money or other property, debts, rights or claims, thereby to defraud my credi- r any of them, or to ſecure the ſame to receive or expect any profit, benefit or advantage y," the chancellor ſhall thereupon name ſuch perſon as a majority of the ſaid Redhead's their agents or attornies, ſhall recommend to be a truſtee for the benefit of the creditors id Peter Redhead, and in caſe no recommendation as aforeſaid ſhall be made by the ſaid their agents or attornies, the chancellor ſhall nominate and appoint ſuch perſon as he k proper to be a truſtee as aforeſaid. Chancellor to appoint a truſtee, &c.

ND BE IT ENACTED, That before ſuch truſtee proceeds to act, he ſhall give bond for the erformance of his duty, to ſuch perſon, in truſt for the creditors of ſaid petitioning debtor, ch penalty, as the chancellor ſhall direct, which ſhall be recorded in the office of the regiſter urt of chancery, and a copy thereof, certified under the hand of the ſaid regiſter, ſhall be ence in any court of law or equity of this ſtate; and if any truſtee, appointed by virtue of ſhall refuſe to act, or die, or neglect to give bond as aforeſaid in a reaſonable time, to be by the chancellor, or be removed by the chancellor for miſbehaviour; he ſhall appoint ſuch ſon as he ſhall think proper in his place, who ſhall give bond as aforeſaid, and on giving , (in caſe the ſaid Redhead had conveyed his property to the former truſtee,) he ſhall ely be veſted with all the property of every kind, and all the debts, rights and credits, of Redhead, as completely as the former truſtee was veſted with the ſame. Who ſhall give bond, &c.

ND BE IT ENACTED, That upon the ſaid Redhead executing and acknowledging a deed to e to be appointed as aforeſaid, conveying all his property, real, perſonal and mixed, and and claims, agreeably to the oath, or affirmation, as aforeſaid, and on his delivery to the ee all his ſaid property which he ſhall have in poſſeſſion, and of his books, papers, and of debts of every kind, and the ſaid truſtee's certifying the ſame, in writing, to the chan- ſhall be lawful for the chancellor to order that the ſaid Redhead ſhall be diſcharged from covenants, contracts, promiſes and agreements, due from, or owing or contracted by him, e date of the ſaid deed, and by virtue of ſuch order the ſaid Redhead ſhall be diſcharged as ; provided, that if the ſaid Redhead hath been guilty of a breach of the laws, and hath , or is liable to be fined, for ſuch breach, he ſhall not be diſcharged from the payment of incurred for any breach of the laws of this ſtate; and provided, that any property which hereafter acquire by gift, deſcent, or in his own right by bequeſt, deviſe, or in any courſe ution, ſhall be liable to the payment of the ſaid debt; and provided, that the diſcharge of ead ſhall not operate ſo as to diſcharge any other perſon from any debt. P. Redhead, on executing a bond, to be diſcharged, &c.

D BE IT ENACTED, That the chancellor may allow ſuch petitioning debtor to retain the wearing apparel of himſelf and family. May retain his apparel.

CHAP. CIX.

Truſtee may be directed to ſell, &c.

VI. AND BE IT ENACTED, That the chancellor may direct any truſtee to be appointed by of this act to ſell and convey the property conveyed to him by the petitioning debtor, at ſuch and on ſuch terms and conditions, as he ſhall think moſt for the advantage of the creditors, a produce thereof, after ſatisfying all incumbrances and liens, ſhall be divided among the ſaid tors, agreeably to their ſeveral and reſpective claims, but no judgment to be rendered aft paſſage of this act againſt the ſaid Peter Redhead, ſhall be a lien on his real and perſonal pr nor ſhall any proceſs againſt his real or perſonal property have any effect thereon, except w *fieri facias* actually and *bonâ fide* laid before the paſſing of this act.

Commiſſion allowed.

VII. AND BE IT ENACTED, That the chancellor may allow any truſtee to be appointed by of this act ſuch commiſſion for his trouble as he ſhall think reaſonable, not exceeding eight and if any complaint ſhall be made to the chancellor of the conduct of any truſtee, by any intereſted in the diſtribution of any eſtate, the chancellor may call ſuch truſtee before hi inquire into the cauſe of complaint in a ſummary way, and make ſuch rules and orders as judged neceſſary for the accompliſhment of the object of the truſt, and puniſh the ſaid truſtee a contempt, in caſe of his not obeying the ſame, and if he thinks it neceſſary, he may rem ſaid truſtee, and appoint another perſon in his place.

If arreſted, to be diſcharged, &c.

VIII. AND BE IT ENACTED, That if the ſaid Peter Redhead ſhall be arreſted or impriſ any proceſs ſued out on any judgment or decree obtained againſt him for any debt, damages contracted, owing, or growing due before the paſſing of this act, the court out of which ſuch iſſued ſhall and may diſcharge the ſaid Peter Redhead on motion; and if the ſaid Peter Redh be arreſted or impriſoned on any proceſs for the recovery of any debt, damages or coſts, co owing, or growing due before the paſſing of this act, the court before whom ſuch proceſs ſha turnable ſhall and may diſcharge the ſaid Peter Redhead out of cuſtody on his common ap being entered, without any ſpecial bail; provided, that the diſcharge of the ſaid Peter Redh not acquit any other perſon from ſuch debt, damages or coſts, or any part thereof, but that perſons ſhall be anſwerable for the ſame in ſuch manner as they were before the paſſing of th

When fraud is alleged, he may be examined, &c.

IX. AND BE IT ENACTED, That if any creditor of the ſaid Peter Redhead, at any time two years after he is diſcharged, ſhall allege, in writing, to the juſtices of Talbot county c court ſitting, that he the ſaid Peter Redhead hath, directly or indirectly, ſold, conveyed, le otherwiſe diſpoſed of, or intruſted or concealed, any part of his property of any kind, or of his debts, rights or claims, thereby wilfully to deceive or defraud his creditors, or any or to ſecure the ſame, or to receive or expect any profit, benefit or advantage thereby, the ſa may thereupon examine the ſaid Peter Redhead on interrogatories, on oath, for the diſcover property, or any concealment thereof, and reſpecting his conduct touching the ſame, or the tices may, in their diſcretion, direct an iſſue to be tried in the ſaid court to determine the any allegation made by the ſaid Peter Redhead; and if the ſaid Peter Redhead ſhall be foun of any wilful fraud or deceit of his creditors, he ſhall for ever be precluded from having an of this act; and in caſe the ſaid Peter Redhead ſhall, at any time within two years as a upon any indictment, be convict of wilfully, falſely and corruptly ſwearing to any matter in his oath aforeſaid contained, he ſhall ſuffer as in caſe of wilful and corrupt perjury, and be liable to his creditors, and be wholly deprived of any relief or benefit by this act.

CHAP. CX.

Paſſed 20th of Jan. 1799.

* 1797, ch. 73.

A Further ſupplement to the act, * entitled, An act for build new gaol in Baltimore county. Lib. JG. No. 3. fol. 231.

Preamble.

WHEREAS difficulties may occur in the purchaſe of grounds ſituated in all reſpects as tion for the new gaol; for remedy whereof,

Commiſſioners to lay off a lot, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the commiſſioners name original act to which this is a further ſupplement, or a majority of them, or a majority of vivors, are hereby authoriſed and empowered to apportion and lay off a lot or lots of gro exceeding ſeven acres, agreeably to the location fixed in a law paſſed at the preſent ſeſſion o

* Chapter 87.

bly, * entitled, A ſupplement to an act, entitled, An act for building a new gaol in Baltimo ty, and to agree with the owner or owners thereof for the abſolute purchaſe in fee of the ſa lots of ground ſo laid off; and in caſe the owner or owners of ſuch lot or lots of ground, the ſaid owners, ſhall refuſe to make ſale of ſuch lot or lots of ground for the purpoſe of ſaid new gaol, at a reaſonable price, or be under a diſability of making ſale thereof, then

comm

CHAP. CX.

ſioners, or a major part of them, ſhall be and are by virtue of this act authoriſed, empowered quired, to iſſue their warrant to the ſheriff of Baltimore county, requiring and commanding empannel and return a jury of ſeven ſubſtantial freeholders within the ſaid county, to be and before ſaid commiſſioners at a certain day to be by them limitted and appointed, of which hall be given to the parties intereſted, which jury, upon their oath, ſhall inquire who is or owner or owners of the ſaid land, what is the value thereof, and what damages ſuch owner rs will ſuſtain; and the ſum of money the ſaid jury ſhall aſſeſs to the owner or owners for t or lots of ground, and damages, ſhall be paid, or ſecured to be paid, by the commiſſioners d, and thereupon the county of Baltimore ſhall be inveſted with a clear and abſolute eſtate in le in the ſaid grounds, ſo located as aforeſaid; and the ſaid commiſſioners, or a majority of r a majority of the ſurvivors of them, are hereby authoriſed and empowered to employ the r of Baltimore county, or a ſworn deputy, to make the ſaid ſurvey, and form a certificate which ſaid certificate ſhall be lodged in the clerk's office of Baltimore county for ſafe keepd recorded among the rolls of Baltimore county, to ſerve as perpetual evidence of the title more county in and to the ſaid grounds.

CHAP. CXI.

Paſſed 20th of Jan. 1799. * 1790, ch. 16.

rther ſupplement to the act, * entitled, An act directing the ne, places and manner, of holding elections for repreſentatives this ſtate in the congreſs of the United States, and for appointelectors on the part of this ſtate for chooſing a preſident and e-preſident of the United States, and for the regulation of the elections, and alſo to repeal the acts of aſſembly therein mened. Lib. JG. No 3. fol. 232.

Preamble.

EREAS the city of Baltimore conſtitutes a part of the fifth diſtrict of Maryland for the election of members of the houſe of repreſentatives of the United States for ſaid diſtrict, as he fifth diſtrict for the election of electors for ſaid diſtrict to chooſe a preſident and vice-pre- the United States: And whereas the commiſſioners of Baltimore-town, who were hereto- es of ſuch elections, having been, by operation of an act paſſed to incorporate the ſaid perſeded in their office, it may happen, from the death or removal of them, that no judges main for the holding of ſaid elections; for remedy whereof,

Mayor, &c. to be judges, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That the mayor and ſecond branch of the ncil of the city of Baltimore, or any three or more of them, for the time being, ſhall be the elections of members of the houſe of repreſentatives of the United States, as alſo of ions of electors of preſident and vice-preſident of the United States, held in the city of Bals a part of the ſaid ſeveral fifth diſtricts, and ſhall have and exerciſe all the rights and aureſpecting ſuch elections which were veſted in the commiſſioners of Baltimore-town by the hich this is a ſupplement, and the ſupplementary acts thereto, any thing to the contrary the ſaid acts notwithſtanding.

9, ch. 50, the judges of the elections for the members of the firſt branch of the city council are to be judges of the mentioned in this act.

CHAP. CXII.

to authoriſe Jane Green, adminiſtratrix of Valentine Green, to diſpoſe of part of the real of ſaid Green, and for other purpoſes therein mentioned. Lib. JG. No. 3. fol. 232. A Act.

CHAP. CXIII.

Clerk to grant licences, &c.

CT to lay a tax on billiard tables. Lib. JG. No. 3. 233.

ENACTED, *by the General Aſſembly of Maryland*, That the clerk of each county be and he is by empowered and authoriſed to grant a licence to ſuch perſon or perſons as may apply for to keep a billiard table, for every of which licence there ſhall be paid the ſum of fifty dolctively, to be appropriated to the uſe of the counties.

II. AND

CHAP. CXIII.

To be renewed annually, &c.

II. AND BE IT ENACTED, That during the continuance of this act all licences for keepi liard tables shall be renewed annually, on the first day of April, on pain that any person thus ting or neglecting to renew his licence, and continuing to keep open his billiard table for use be liable to all the penalties mentioned in this act; and provided, that any person applying fo cence after the first day of April, shall pay in proportion to the time the said licence has to run ing on the last day of March, annually.

Penalty for keeping without licence.

III. AND BE IT ENACTED, That any person or persons keeping or exhibiting for use a b table or tables, without first obtaining a licence as aforesaid, shall forfeit and pay the sum o hundred and fifty dollars, one half to the informer, and the other half to the county, to be re ed by indictment in the county court in which such offence may be committed.

Proviso.

IV. PROVIDED ALWAYS, That nothing in this act shall be construed to extend in its opera the cities of Annapolis, George-town, Baltimore, or the precincts of Baltimore.

A return to be made.

V. AND BE IT ENACTED, That the clerks of the several counties shall, under the penalty dollars, make out and lay before every session of the levy court a return of the sum or sums ney received under the provision of this act.

Commencement.

VI. This act to commence and be in force from and after the first day of April next.

CHAP. CXIV.

Passed 20th of Jan. 1799.

An ACT to increase the fees of the examiner-general of the we shore, and the examiner of the eastern shore. Lib. JG. N fol. 234.

Fees increased.

BE IT ENACTED, *by the General Assembly of Maryland*, That immediately after the passing act, the fees of the examiner-general of the western shore, and the examiner of the shore, shall be and they are hereby increased fifty *per cent.* in addition to their fees already by law.

Account to be rendered, &c.

II. AND BE IT ENACTED, That the examiner-general of the western shore, and the exam the eastern shore, shall lay before the next general assembly an account, on oath, of the am their fees for the present year.

Duration.

III. This act to continue and be in force until the first day of October next, and until the the next session of assembly which shall happen thereafter.

Further continued by 1799, ch. 55, to 30th October, 1805, &c.

CHAP. CXV.

An ACT to alter, abolish and repeal, certain parts of the cons tion and form of government of this state as are therein menti Lib. JG. No. 3. fol. 235.

Preamble.

WHEREAS the holding elections at any one place in each county of this state is attende great inconvenience to all citizens remote from said place, and operates to deprive ma sons entitled to suffrage from the exercise of that right; and as it is desirable that the full, fr fair voice of the people should be expressed in their choice of the functionaries of governmen

Counties divided into districts.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the several counties of thi for the purpose of holding all future elections for delegates, electors of the senate, and the the several counties, shall be divided into separate districts in the manner herein after directe Saint-Mary's county shall be divided and laid off into three separate districts, Kent county divided and laid off into three separate districts, Calvert county shall be divided and laid three separate districts, Charles county shall be divided and laid off into four separate district bot county shall be divided and laid off into four separate districts, Somerset county shall be and laid off into three separate districts, Dorchester county shall be divided and laid off int separate districts, Cæcil county shall be divided and laid off into four separate districts, George's county shall be divided and laid off into five separate districts, Queen-Anne's coun

ed and laid off into three ſeparate diſtricts, Worceſter county ſhall be divided and laid off ſeparate diſtricts, Frederick county ſhall be divided and laid off into ſeven ſeparate diſtricts, county ſhall be divided and laid off into five ſeparate diſtricts, Caroline county ſhall be di- nd laid off into three ſeparate diſtricts, Waſhington county ſhall be divided and laid off into arate diſtricts, Montgomery county ſhall be divided and laid off into five ſeparate diſtricts, y county ſhall be divided and laid off into ſix ſeparate diſtricts.

A. A. county into five.

AND BE IT ENACTED, That Anne-Arundel county, including the city of Annapolis, ſhall be and laid off into five ſeparate diſtricts.

Baltimore into ſeven, &c.

AND BE IT ENACTED, That Baltimore county, out of the limits of the city of Baltimore, divided and laid off into ſeven diſtricts, and that the city of Baltimore ſhall be laid off into ſtricts.

Parts of the conſtitution repealed.

ND BE IT ENACTED, That all and every part of the conſtitution and form of government to the judges, time, place and manner, of holding elections in the city of Baltimore, and every part of the ſecond, third, fifth, fourteenth and forty-ſecond ſections of the conſtituti- form of government of this ſtate, which relate to the judges, place, time and manner of the ſeveral elections for delegates, electors of the ſenate, and ſheriffs of the ſeveral counties, the ſame are hereby abrogated, repealed and annulled, and the ſame ſhall hereafter be regu- law.

If confirmed, to be a part of the conſtitution.

AND BE IT ENACTED, That if this act ſhall be confirmed by the general aſſembly, after the ection of delegates, in the firſt ſeſſion after ſuch new election, as the conſtitution and form of ment directs, that in ſuch caſe this act, and the alteration of the ſaid conſtitution contained ſhall be conſidered as a part, and ſhall conſtitute and be valid as a part, of the ſaid conſtitu- form of government, to all intents and purpoſes, any thing therein contained to the contra- withſtanding.

This act was confirmed by 1799, ch. 48, and the elections under it are regulated by 1799, ch. 50.

CHAP. CXVI.

Paſſed 20th of Jan. 1799.

T to alter, aboliſh and repeal, ſuch parts of the conſtitution and form of government of tate as are therein mentioned. Lib. JG. No. 3. fol. 236.

as enacted, that if this act ſhould be confirmed by the general aſſembly, after the next election of delegates, in the firſt after ſuch new election, as the conſtitution and form of government directed, that in ſuch caſe this act, and the alteration ſaid conſtitution contained therein, ſhould be conſidered as a part, and ſhould conſtitute and be valid as a part, of the nſtitution and form of government; which was not done.

CHAP. CXVII.

ACT for the payment of the journal of acccunts. Lib. JG. o. 3. fol. 237.

Preamble.

HEREAS it appears by the journal of accounts of this ſeſſion, that there is now due from this ſtate the ſum of twelve thouſand three hundred and twelve pounds fourteen ſhillings and nce halfpenny current money,

Treaſurer to pay, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the treaſurer of the weſtern ſhore d he is hereby authoriſed and required to pay the ſeveral perſons, their executors, admini- , aſſigns or orders, or to ſuch of them as ſhall offer to receive the ſame, the ſeveral ſums of money allowed to them reſpectively, as they appear to be ſettled and aſcertained by the ſaid of accounts, out of any money now in the treaſury, or which ſhall come into the treaſury, ſub- the appropriation of the general aſſembly.

At a SESSION of the GENERAL ASSEMBLY of MARYLA begun and held at the CITY of ANNAPOLIS, on Monday 4th of November, in the year of our Lord 1799, and ende 3d day of January, 1800, the following laws were enacted.

BENJAMIN OGLE, ESQUIRE, GOVERNOR.

CHAP. I.

Passed 3d of Jan. 1800.

An ACT to authoriſe and empower the levy court of Dorch county to aſſeſs and levy annually a ſum of money for the ſup of Eſther Kenner. Lib. JG. No. 3. fol. 245.

Preamble.

WHEREAS Eſther Kenner, of Dorcheſter county, by her petition to this general aſſembl ſet forth, that ſhe is now advanced in the ſeventy-third year of her age, has been blind from her youth, and was formerly allowed a penſion from ſaid county, but ſince the poo law took place in ſaid county ſhe has been ſupported by the benevolence of a few friends, b her increaſing infirmity requires more aſſiſtance than they are able to give, and prays an act m to provide for her ſupport out of the poor's houſe; and the facts ſtated in ſaid petition appe be true, therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy c Dorcheſter county ſhall be and are hereby directed and empowered, at their levy court annu long as they ſhall ſee cauſe, to aſſeſs and levy on the aſſeſſable property of ſaid county, a money, not exceeding thirty dollars, for the ſupport and maintenance of the ſaid Eſther Kenn that the ſame be collected and paid annually by the collector of Dorcheſter county to ſuch pe the levy court of ſaid county ſhall or may direct.

CHAP. II.

An ACT to ſettle and aſcertain the ſalary of the members o council for the enſuing year. Lib. JG. No. 3. fol. 245.

Salary aſcertained.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That each member of the counc be entitled to receive for the enſuing year the ſum of two hundred pounds current for his ſalary.

CHAP. III.

An ACT to authoriſe and empower the levy court of Dorch county to aſſeſs and levy annually a ſum of money for the ſup of Philemon Brooke. Lib. JG. No. 3. fol. 245.

Preamble.

WHEREAS Philemon Brooke, of Dorcheſter county, by his petition to this general a hath ſet forth, that he is far advanced in life, having had the misfortune to loſe his ey when very young, and has no other dependence whereby to ſubſiſt but on the benevolence friends, and prays an act may paſs to provide for his future maintenance out of the poor-houſe the facts ſtated in ſaid petition appearing to be true, therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Dorcheſter ſhall be and they are hereby directed and empowered, at their levy courts annually as long a in their diſcretion, may think proper, to aſſeſs and levy on ſaid county a ſum of money, not e ing thirty dollars, for the ſupport and maintenance of the ſaid Philemon Brooke, and that t ſum be collected and paid to the aforeſaid Philemon Brooke by the collector or collectors o cheſter county, for the purpoſes aforeſaid, agreeably to the order of the levy court of ſaid c

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CHAP. IV.

CT for the relief of William Dent Beall, of Montgomery county.

Passed 3d of Jan. 1800.

. JG. No. 3. fol. 246.

EREAS William Dent Beall, of Montgomery county, has ſtated to this general aſſembly, Preamble.
hat from a variety of loſſes he is rendered totally unable to pay the whole of his debts, and ioned for an act to releaſe him therefrom, upon giving up all his property to the uſe of his s: And whereas the ſaid William Dent Beall, being a major in the ſervice of the United s liable, from the military arrangements, to be called out of this ſtate, which juſtifies a diſof his caſe from others who have petitioned for ſimilar acts;

IT ENACTED, *by the General Aſſembly of Maryland*, That in caſe the ſaid William Dent Beall On making
fore the aſſociate juſtices of Montgomery county court, make and ſubſcribe the following oath, &c. acwit: "I, William Dent Beall, do ſwear, that I will deliver up, convey and transfer, to quitted, &c.
e of my creditors, all my property, real, perſonal or mixed, (the neceſſary wearing apparel ſelf and family only excepted,) that I have or claim any title to, or intereſt in, at this time, l debts, rights and claims, which I have at this time, or that I am in any reſpect entitled poſſeſſion, remainder or reverſion, and that I have not, directly or indirectly, at any time ſold, conveyed, leaſed, diſpoſed of, or intruſted or concealed, any part of my property of nd, or any part of my debts, rights or claims, thereby wilfully to defraud or deceive my ors, or any of them, or to ſecure the ſame, or to receive or expect any profit, benefit or tage thereby;" and ſhall execute and acknowledge, before the aforeſaid aſſociate juſtices, a ce to ſuch perſon as the ſaid aſſociate juſtices may appoint as his truſtee, on behalf of his , of all his property as aforeſaid, a ſchedule whereof he ſhall inſert in or annex to the ſaid ce, that thereupon, and for ever thereafter, the ſaid William Dent Beall ſhall, by virtue act, be acquitted, releaſed, and for ever diſcharged, from all debts, promiſes, contracts, ts and covenants, due from, or contracted, made or entered into by him, before the paſſing provided, that any property acquired by the ſaid William Dent Beall, after the making conveyance, by deſcent, or in his own right by deviſe, bequeſt, or in the courſe of diſtribull be liable for the payment of his debts.

ND BE IT ENACTED, That the perſon appointed in purſuance of this act as truſtee in behalf Truſtee to take
editors of the ſaid William Dent Beall, before he acts as ſuch, ſhall take the following oath, an oath, &c.
e of the ſaid aſſociate juſtices, to wit: "I, A. B. do ſwear, that I will faithfully, impar- nd honeſtly, according to the beſt of my ſkill and knowledge, execute the ſeveral powers uſts repoſed in me as truſtee for the creditors of William Dent Beall, without favour, affecprejudice or malice;" and ſhall alſo give bond for the faithful performance of his duty, to ſon, in truſt for the creditors of ſaid William Dent Beall, and in ſuch penalty as the ſaid juſtices ſhall direct, which ſhall be recorded in the clerk's office of Montgomery county, py thereof, certified under the hand of the ſaid clerk, ſhall be good evidence in any court of quity of this ſtate.

ND BE IT ENACTED, That the truſtee appointed as aforeſaid ſhall be allowed for his ſer- His commiſſiommiſſion of eight *per cent.* on.

D BE IT ENACTED, That if the ſaid William Dent Beall ſhall be arreſted or impriſoned on W. D. Beall, if
eſs ſued out on any judgment or decree obtained againſt him for any debt, damages or coſts, arreſted, to be
d, owing, or growing due before the paſſing of this act, the court out of which ſuch proceſs diſcharged, &c.
ll and may diſcharge the ſaid William Dent Beall on motion; and if the ſaid William Dent ll be arreſted or impriſoned on any proceſs for the recovery of any debt, damages or coſts, d, owing or growing due before the paſſing of this act, the court before whom ſuch proceſs eturned, ſhall and may diſcharge the ſaid William Dent Beall out of cuſtody, on his comearance being entered, without any ſpecial bail, provided that the diſcharge of the ſaid Dent Beall ſhall not acquit any other perſon from ſuch debt, damages or coſts, or any part but that all ſuch perſons ſhall be anſwerable for the ſame in ſuch manner as they were he paſſing of this act.

ND BE IT ENACTED, That if any creditor of the ſaid William Dent Beall ſhall, at any He may be exhin two years after he is diſcharged, allege in writing to the juſtices of Montgomery county amined, &c.
court ſitting, that he the ſaid William Dent Beall hath, directly or indirectly, ſold, conealed, or otherwiſe diſpoſed of, or intruſted or concealed, any part of his property of any

CHAP. IV.

kind, or any part of his debts, rights or claims, thereby wilfully to deceive or defraud his cre or any of them, or to ſecure the ſame, or to receive or expect any profit, benefit or advantage by, the ſaid court may thereupon examine the ſaid William Dent Beall on interrogatories, o for the diſcovery of his property, or any concealment thereof, and reſpecting his conduct to the ſame, or the ſaid juſtices may, in their diſcretion, direct an iſſue to be tried in the ſaid co determine the truth of any allegation made againſt the ſaid William Dent Beall, and if t William Dent Beall ſhall be found guilty of any wilful fraud or deceit of his creditors, he ſh ever be precluded from having any benefit of this act; and in caſe the ſaid William Dent Bea at any time within two years as aforeſaid, upon any indictment, be convict of wilfully, falſe corruptly ſwearing to any matter or thing in his oath aforeſaid contained, he ſhall ſuffer as in wilful and corrupt perjury, and likewiſe be liable to his creditors, and be wholly deprived relief or benefit by this act.

CHAP. V.

Paſſed 3d of Jan. 1800. * 1798, ch. 38.

A Supplement to the act,* entitled, An act relating to the p roads in Somerſet county. Lib. JG. No. 3. fol. 248.

Preamble.

WHEREAS the act to which this is a ſupplement requires the juſtices of the peace county, or a majority of them, to execute the ſeveral duties thereof, and it has been from practice and experience, that the ſaid juſtices, or a majority of them, do not readily convene for the purpoſes aforeſaid; therefore,

Seven juſtices to have power, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid juſtices, or any them, ſhall have the ſame power and authority that is given in the aforeſaid act to the juſtices peace, or a majority of them, any thing in the ſaid act to the contrary notwithſtanding.

III. AND, whereas the twelfth ſection of the ſaid act impoſes a fine of one dollar on the miſtreſs or overſeer, of any ſervant or ſlave, after being ſent to labour on ſaid roads, who gleet to perform his reaſonable ſervice, which is found to be oppreſſive and injurious, BE IT E Servants, &c. may be compelled to work, &c. That it is hereby declared to be the duty of each and every overſeer in the ſaid county to each ſervant or ſlave, after being ſo ſent to labour on the public roads aforeſaid, to do and his reaſonable ſervice aforeſaid, and the maſter, miſtreſs or overſeer, of any ſuch ſervant ſent as aforeſaid, ſhall not be ſubject to the fine aforeſaid.

Parts of an act repealed.

IV. AND BE IT ENACTED, That all thoſe parts of the ſaid act which are repugnant to the clauſes contained in this ſupplement, be and the ſame are hereby repealed.

CHAP. VI.

An ACT to empower the levy court of Dorcheſter county to ap a conſtable for the town of Cambridge. Lib. JG. No. 3. fol.

Preamble.

WHEREAS agreeable to the preſent act of aſſembly the levy court of Dorcheſter county powered to appoint conſtables only for the different hundreds of ſaid county, and t bitants of the town of Cambridge labouring under conſiderable diſadvantages from the con that hundred, which includes the town, not living in the ſame, and alſo that the peace of ſa is very much diſturbed by frequent tumultuous meetings of negroes; in order to obviate tha venience,

Court to appoint a conſtable, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court, at their meeting, ſhall appoint a conſtable for the town of Cambridge, and that the county clerk ſha ſuch appointment, under his hand, and deliver the ſame to the ſheriff within five days after pointment, and the ſheriff ſhall, within ten days of ſuch delivery, deliver the ſame to the p appointed, or leave the ſame at his uſual place of abode, under penalty of twenty ſhillings money on the clerk or ſheriff reſpectively neglecting herein, to be recovered before any ſingl trate, as in the caſe of ſmall debts, to the uſe of the ſaid town.

Who ſhall be an inhabitant, &c.

III. AND BE IT ENACTED, That the conſtable ſo appointed in virtue of this act ſhall be bitant of ſaid town, and that he ſhall be obliged to execute all warrants and precepts to him within the limits of the ſaid town; and ſuch conſtable ſhall and may have, take, exact and ſuch fees as the law in ſuch caſe has directed.

AND BE IT FURTHER ENACTED, That if in the receſs of the levy court any conſtable of ſaid ſo appointed ſhould be deſirous of reſigning his appointment, or in caſe of death, refuſal or to qualify, any two juſtices of the county may forthwith appoint another proper perſon to vacancy, who, upon their certificate of ſuch appointment to him delivered, ſhall proceed to he ſame manner as if appointed by the levy court. CHAP. VI. How a vacancy is to be filled.

CHAP. VII.

ACT to empower the juſtices of the levy court of Charles coun- to aſſeſs and levy annually a ſum of money for the purpoſe erein mentioned. Lib. JG. No. 3. fol. 249.

Paſſed 3d of Jan. 1800.

HEREAS John Monro, ſenior, of Charles county, by his petition to this general aſſembly hath ſet forth, that his ſon John Monro, junior, is an idiot, and thereby is rendered unable port himſelf, and that he, from indigent circumſtances, and having a large family, is entirely to contribute in any degree to his maintenance, and praying that ſome proviſion may be made ſupport of his ſaid ſon; and the facts appearing to this general aſſembly to be true, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy court of s county, at their levy court, ſhall have full power and authority, and they are hereby directed quired, annually to aſſeſs, ſo long as they ſhall ſee cauſe, on the aſſeſſable property of ſaid , a ſum not exceeding thirty dollars for any one year; which ſaid ſum, ſo levied and aſſeſſed, e collected as other county charges are, and paid to the ſaid John Monro, ſenior, or ſuch perſon as they the ſaid court ſhall appoint, for the uſe, ſupport and maintenance, of the ſaid Monro, junior. Juſtices to levy money, &c.

CHAP. VIII.

ACT to authoriſe and empower the levy court of Montgomery ounty to aſſeſs and levy annually a ſum of money for the ſupport f Ruth Glaze. Lib. JG. No. 3. fol. 250.

HEREAS Ruth Glaze, of Montgomery county, by her petition to this general aſſembly hath ſet forth, that ſhe has for ten years paſt been confined to her bed, and has hitherto been ined by her only ſon, who has done the ſame by teaching ſchool, but who is at preſent ren- unable to continue that ſupport, by a white ſwelling in one of his knees; therefore, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy court of omery county ſhall be and they are hereby authoriſed and empowered, at their levy court an- , ſo long as they ſhall ſee cauſe, to aſſeſs and levy on the aſſeſſable property of ſaid county a money, not exceeding forty dollars, for the ſupport and maintenance of the ſaid Ruth Glaze, at the ſame be collected and paid annually by the collector of the county tax for Montgomery to ſuch perſon as the levy court of ſaid county may direct. Juſtices to levy money, &c.

CHAP. IX.

ACT to revive and aid the proceedings of the orphans court of alvert county. Lib. JG. No. 3. fol. 250.

HEREAS it is repreſented to this general aſſembly, that the orphans court of Calvert county ſtood adjourned until Tueſday the twenty-ninth day of October, one thouſand ſeven hundred inety-nine, and that no one of the juſtices of ſaid court attended to call the ſame according to rnment as aforeſaid, whereby all proceſs and proceedings in the ſaid court were diſcontinued; medy whereof, Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That all the judgments, rules, entries, proceſs and proceedings, depending in the ſaid court on the day aforeſaid, ſhall be and the ſame hereby revived, and ſhall be in the ſame ſtate and condition, to all intents and purpoſes, as the would have been in if the ſaid court had met on the ſaid twenty-ninth day of October, one and ſeven hundred and ninety-nine, and the ſaid judgments, rules, entries, acts, proceſs and edings, had been duly continued by regular and lawful adjournments from time to time. Judgments, &c. revived, &c.

CHAP. IX. Judgments, &c. made valid, &c.

III. AND, whereas the juſtices of ſaid court, notwithſtanding the diſcontinuance aforeſaid, ſince tranſacted the ordinary buſineſs of ſaid court; therefore, BE IT ENACTED, That all the ments, rules, entries, acts, proceſs and proceedings, made and rendered by the juſtices of ſaid ſince the time aforeſaid, either in caſes then depending or ſince commenced, ſhall be and the are hereby made as valid and effectual as if the ſaid court had met at the time to which the ſtood adjourned.

CHAP. X.

Paſſed 3d of Jan. 1800.

An ACT to revive the proceedings of the orphans court of Har county. Lib. JG. No. 3. fol. 251.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that the orphans court of ſaid ſtood adjourned to the ſecond Tueſday of February laſt, and that the ſaid court was no ed agreeably to the adjournment aforeſaid, owing to the juſtices of the ſaid court, and the re of wills for ſaid county, not having knowledge of the continuance of the act of aſſembly, en An additional ſupplementary act to the act, entitled, An act to eſtabliſh orphans courts in the ſ counties in this ſtate, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-one, w by all the proceſs and proceedings of the ſaid court were diſcontinued; for remedy whereof,

Rules, &c. revived, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That all the rules, judgments, en acts, proceſs and proceedings, depending in the ſaid court on the ſecond Tueſday of February ſaid, ſhall be and the ſame are hereby revived, and ſhall be in the ſame ſtate and condition, intents and purpoſes, as the ſame would have been in if the ſaid court had met on the ſecond day of February laſt, and the ſaid rules, judgments, proceſs and proceedings, had been duly nued by regular and lawful adjournments from time to time.

CHAP. XI.

* 1798, ch. 14.

An ACT to correct a miſtake in an act, * entitled, An act for relief of Andrew Buchanan, and to confirm all proceedings or hereafter to be had, under ſaid act and a certain deed of t therein referred to. Lib. JG. No. 3. fol. 251.

Preamble.

WHEREAS by an act paſſed at the laſt ſeſſion of aſſembly, entitled, An act for the rel Andrew Buchanan, it is ſtated that the ſaid Andrew Buchanan did, by a certain de writing, on the twenty-firſt day of July, in the year of our Lord one thouſand ſeven hundre ninety-ſeven, convey unto John Hoſkins Stone and Walter Dorſey, in truſt, all his property, perſonal and mixed, for the benefit of ſuch of his creditors as might thereafter, within a c limitted time, ſign the ſaid deed: And whereas it appears that the ſaid deed bore date on the ty-firſt day of July, ſeventeen hundred and ninety-eight, inſtead of the date mentioned in ſai wherefore,

Act to operate, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid act ſhall fully and ef ally, to all intents and purpoſes, operate to afford the relief to the ſaid Andrew Buchanan co plated by ſaid act, notwithſtanding the afore-mentioned miſtake in the date of the ſaid deed that all proceedings had, or hereafter to be had, by the truſtees aforeſaid, under the ſaid de truſt, bearing date on the twenty-firſt day of July, ſeventeen hundred and ninety-eight, ſha valid, to all intents and purpoſes, according to the real meaning and intention of ſaid act, and neither the perſon nor property of the ſaid Andrew Buchanan ſince acquired, except by deſcen in his own right by deviſe, bequeſt, or in a courſe of diſtribution, ſhall be liable to be affect any legal proceſs whatever for or on account of the miſtake in the date of the ſaid deed in ſa mentioned.

CHAP. XII.

An ACT to repeal an act, (a) entitled, An act to prevent the exp tation of flour not merchantable from George-town, in Freder county. Lib. JG. No. 3. fol. 252.

(a) October, 1771, ch. 15.

An act repealed.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That an act, entitled, An act to preven exportation of flour not merchantable from George-town, in Frederick county, paſſed at ber ſeſſion, one thouſand ſeven hundred and ſeventy-one, be and the ſame is hereby repealed.

CH

CHAP. XIII.

ACT to prevent the going at large of ſwine and poultry in the wn of New-Market, in Frederick county. Lib. JG. No. 3. . 252.

Paſſed 3d of Jan. 1800.

T ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of April, the year of our Lord one thouſand eight hundred, no ſwine or poultry belonging to the in- s of ſaid town ſhall be ſuffered to go at large in the town of New-Market, in Frederick and if any perſon ſhall find any ſwine or poultry going at large in the town of New-Market d, it ſhall and may be lawful for ſuch perſon to kill, or cauſe to be killed, ſuch ſwine or

Swine not to go at large, &c.

ND BE IT ENACTED, That if any perſon ſhall be ſued for killing any ſwine or poultry going in the town of New-Market aforeſaid, ſuch perſon may plead the general iſſue, and give this the ſpecial matter in evidence.

General iſſue pleadable.

CHAP. XIV.

T for the relief of Robert Elliott, of Talbot county. Lib. JG. No. 3. fol. 252. A Pri- Act.

CHAP. XV.

T for the benefit of Richard Roſs and William Roſs, of Prince-George's county. Lib. JG. . fol. 253. A Private Act.

CHAP. XVI.

Paſſed 7th of Dec. 1799.

ACT to incorporate a company for the purpoſe of cutting and king a canal between the river Delaware and the Cheſapeake y. Lib. JG. No. 3. fol. 254.

HEREAS the opening of the communication between the bay of Cheſapeake and the river Delaware, by means of a canal, will be attended with very beneficial effects to thoſe parts of of Maryland that lie on the bay of Cheſapeake, and on the waters that empty themſelves ſaid bay, as alſo to the agricultural intereſt thereof in general, and many perſons are willing be large ſums of money to effect ſo uſeful a work, and it being juſt and proper that they, rs and aſſigns, ſhould be empowered to receive reaſonable tolls for ever as a compenſation money advanced by them in carrying the work into execution, and the riſk they incur,

Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall be lawful to open books for g and entering ſubſcriptions to the amount of five hundred thouſand dollars, in ſhares of ndred dollars each ſhare, for the cutting ſaid canal, and perfecting the navigation thereof, he management of Tobias Rudolph and William Alexander, at Elkton, in Cæcil county, William Matthews and Samuel Davis, at the head of Saſſafras, in Kent county, Richard an, 4th, and William Barroll, at Cheſter-town, in Kent county, Richard Tilghman Earle es Clayland, junior, at Centre-Ville, in Queen-Anne's county, and James Earle, junior, and Kennard, at Eaſton, in Talbot county, and under the management of ſuch perſons, and at aces in Delaware and Pennſylvania, as ſhall be appointed by acts of the legiſlatures of thoſe that the ſaid books ſhall be opened on the firſt day of March, eighteen hundred, and ſhall e open for this purpoſe until the firſt day of March, eighteen hundred and one, and on the of May thereafter there ſhall be a general meeting of the ſubſcribers at the town of Wil- n, in the ſtate of Delaware, of which meeting notice ſhall be given by the ſaid managers, or r of them, in ſome of the Maryland, Delaware and Pennſylvania news-papers, at leaſt thirty efore the ſaid meeting; provided, that if the ſame time of receiving ſubſcriptions, and of meet- ould not be appointed by all the ſaid ſtates, then there ſhall be a meeting of the ſubſcribers, time by them appointed, at the place aforeſaid, notice whereof to be given as aforeſaid; e ſubſcriptions made at the times and places appointed by the ſtates of Delaware and Pennſyl- hall then be received, and ſuch meeting may and ſhall be continued from day to day till the s is finiſhed; and the acting managers, at the time and place aforeſaid, ſhall lay before ſuch ſubſcribers as ſhall meet according to the ſaid notice, the books by them reſpectively kept, ning the ſtate of the ſaid ſubſcriptions, and if one half of the capital ſum aforeſaid ſhould, amination, appear not to have been ſubſcribed, then the ſaid managers, at the ſaid meeting, powered to take and receive ſubſcriptions to make up the deficiency, and a juſt and true liſt the ſubſcribers, with the ſums ſubſcribed by each, ſhall be made out and returned by the ſaid managers

Books to be opened, &c.

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managers, or any four or more of them, under their hands, to the general court for the ea
weſtern ſhores of Maryland, and the ſupreme courts of Delaware and Pennſylvania, to
kept and recorded; and in caſe more than five hundred thouſand dollars ſhall be ſubſcrib
the ſame ſhall be reduced to that ſum by the ſaid managers, or a majority of them, by beg
and ſtriking off a ſhare from, the largeſt ſubſcription or ſubſcriptions, and continuing to ſt
ſhare from all ſubſcriptions under the largeſt, and above one ſhare, until the ſum is reduce
capital of five hundred thouſand dollars, or until a ſhare is taken from all ſubſcriptions a
ſhare, and lots ſhall be drawn between ſubſcribers of equal ſums, to determine the numbers
ſuch ſubſcribers ſhall ſtand on a liſt to be made for ſtriking off as aforeſaid; and if the
ſcribed ſtill exceeds the capital aforeſaid, then to ſtrike off by the ſame rule until the ſum ſ
is reduced to the capital aforeſaid, or all the ſubſcriptions are reduced to one ſhare, and if
be an exceſs, then lots to be drawn to determine the ſubſcribers who are to be excluded,
the ſubſcriptions to the capital aforeſaid, which ſtriking off ſhall be certified in the liſt afore
no perſon ſhall ſubſcribe leſs than one whole ſhare; provided, that unleſs two hundred
thouſand dollars of ſaid capital ſhall be ſubſcribed as aforeſaid, all ſubſcriptions made in co
of this act ſhall be void, and in caſe two hundred and fifty thouſand dollars, and leſs than
of ſaid capital, ſhall be ſubſcribed as aforeſaid, then the preſident and directors appointed
after mentioned, are hereby empowered and directed to take and receive the ſubſcriptions w
be firſt offered, in whole ſhares as aforeſaid, until the deficiency ſhall be made up; a cer
which additional ſubſcriptions ſhall be made, under the hands of the preſident and direct
time being, or of a majority of them, and returned to, and recorded in, the courts herein be
tioned.

Subſcribers incorporated, &c.

III. AND BE IT ENACTED, That in caſe one half of the ſaid capital, or a greater ſum
ſubſcribed as aforeſaid, the ſaid ſubſcribers, and their heirs and aſſigns, from the time of
firſt meeting, ſhall be, and are hereby declared to be, incorporated, by the name of The C
and Delaware Canal Company, and may have perpetual ſucceſſion, and ſue and be ſued,
and ſuch of the ſaid ſubſcribers as ſhall be preſent at the ſaid meeting, or a majority of
hereby empowered and required to elect a preſident and nine directors, for conducting, dir
completing, ſaid canal, and managing the buſineſs of the ſaid company, for and during
not exceeding five years, as the ſaid ſubſcribers, or a majority of them, ſhall think proper;
ſubſcriber ſhall be allowed one vote for every ſhare not exceeding five ſhares, and one vote
three ſhares above ten, held by him or her in the ſaid company; and any ſtockholder, b
under his or her hand and ſeal, executed in the preſence of two witneſſes, may depute
member or ſtockholder to vote and act as his or her proxy at any general meeting.

Preſident, &c. to have power to agree, &c.

IV. AND BE IT ENACTED, That the ſaid preſident and directors ſo elected, and their
or a majority of them aſſembled, ſhall have full power and authority to agree with any perſ
ſons, on behalf of the ſaid company, to cut ſuch canals, and erect ſuch locks, and per
other works, as they ſhall judge neceſſary for opening, improving and extending, the navi
tween the bay of Cheſapeake and the river Delaware, and carrying on the ſame from place
and from time to time, and upon ſuch terms and in ſuch manner, as they ſhall think fit,
the money ariſing from the ſubſcriptions and the tolls, and other aids herein after given,
the ſame, and to repair and keep in order the ſaid canals, locks, and other works neceſſar
and to defray all incidental charges; and alſo to appoint a treaſurer, clerk, and ſuch oth
toll-gatherers, managers and ſervants, as they ſhall judge requiſite, and to agree for and ſe
reſpective wages or allowances, and ſettle, paſs and ſign, their accounts, and alſo to make
bliſh rules of proceeding, and to tranſact all the other buſineſs and concerns of the ſaid co
and during the intervals between the general meetings of the ſame, and they ſhall be allo
ſatisfaction for their trouble therein, ſuch ſum of money as ſhall, by a general meeting o
ſcribers, be determined; provided always, that the treaſurer ſhall give bond, in ſuch pe
with ſuch ſecurity, as the ſaid preſident and directors, or a majority of them, ſhall direc
true and faithful diſcharge of the truſt repoſed in him; and that the allowance to be made
his ſervices ſhall not exceed five dollars in the hundred for the diſburſements by him made,
no officer in the ſaid company ſhall have any vote in the ſettlement or paſſing his own acco

And to make orders, &c.

V. AND BE IT ENACTED, That the ſaid preſident and directors, and their ſucceſſors, or
ty of them, ſhall have full power and authority, from time to time as money ſhall be wante
and ſign orders for that purpoſe, and direct at what time, and in what proportion, the p
ſhall advance and pay the ſums ſubſcribed, which orders ſhall be advertiſed at leaſt three
ſome of the Maryland, Delaware and Pennſylvania news-papers; and they are hereby auth
e

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ed to demand and receive of the ſeveral proprietors, from time to time, the ſums of money d to be advanced for carrying on and executing, or repairing or keeping in order, the ſaid ncil the ſums ſubſcribed ſhall be fully paid, and to order the ſaid ſums to be depoſited in s of the treaſurer, to be by him diſburſed and paid out as the ſaid preſident and directors, rity of them, ſhall order and direct; and if any of the ſaid proprietors ſhall refuſe or ne- ay their ſaid proportions within one month after the time of payment ſo ordered and ad- s aforeſaid, the ſaid preſident and directors, or a majority of them, may ſell at auction, and o the purchaſer, the ſhare or ſhares of ſuch proprietor ſo refuſing or neglecting payment, leaſt three months notice of the ſale in ſome of the Maryland, Delaware and Pennſylvania ers, and after retaining the ſum due, and charges of ſale, out of the money produced there- ſhall refund and pay the overplus, if any, to the former owner; and if ſuch ſale ſhall not he full ſum ordered and directed to be advanced as aforeſaid, with the incidental charges, reſident and directors, or a majority of them, may, in the name of the company, ſue for er the balance by action of debt, or on the caſe; and the ſaid purchaſer or purchaſers ſhall to the ſame rules and regulations as if the ſaid ſale and conveyance had been made by the roprietor; provided, that in caſe of the death of any ſtockholder, the neglect or refuſal ecutor, adminiſtrator or legatee, to make the payment that may be required as aforeſaid, have the effect to forfeit immediately the ſaid ſhare or ſhares held by the ſaid ſtockholder in me, but the ſaid executor, adminiſtrator or legatee, ſhall have one whole year next after f the ſaid death to make the payments required.

ND, to continue the ſucceſſion of the ſaid preſident and directors, and to keep up the ſame

They may be continued, &c.

BE IT ENACTED, That from time to time, upon the expiration of the ſaid term for which reſident and directors were appointed, the proprietors of the ſaid company, at the next eeting, ſhall either continue the ſaid preſident and directors, or any of them, or chooſe their ſtead, and in caſe of the death, removal, reſignation or incapacity, of the preſident, the ſaid directors, may and ſhall, in manner aforeſaid, elect any other perſon or perſons to ent and directors in the room of him or them ſo dying, removing or reſigning, or becoming , and may, at any of their general meetings, remove the preſident, or any of the directors, int others for and during the remainder of the term for which ſuch perſon or perſons were have acted.

To take an oath.

ND BE IT ENACTED, That every preſident and director, before he acts as ſuch, ſhall take or affirmation, for the due execution of his office.

A general meeting to be held in June, &c.

AND BE IT ENACTED, That the preſence of proprietors having five hundred ſhares at the l be neceſſary to conſtitute a general meeting, and that there be a general meeting of pro- on the firſt Monday of June in every year, at ſuch convenient place as ſhall be from time to ointed by the ſaid general meeting; but if a ſufficient number ſhould not attend on that day, rietors who do attend may adjourn ſuch meeting from time to time till a general meeting of rs ſhall be had, which may be continued from day to day until the buſineſs of the company d, at which meeting the preſident and directors ſhall make report, and render diſtinct and unts of all their proceedings, and on finding them fairly and juſtly ſtated, the proprietors ſent, or a majority of them, ſhall give a certificate thereof, duplicate of which ſhall be on the ſaid company's books; and at ſuch yearly general meetings, after leaving in the hands reaſurer ſuch ſum as the proprietors, or a majority of them, ſhall judge neceſſary for repairs ingent charges, an equal dividend of all the net profits ariſing from the tolls hereby granted ordered and made to and among all the proprietors of the ſaid company, in proportion to eral ſhares; provided nevertheleſs, that whenever the net profits ariſing from ſaid tolls ſhall hirty *per cent.* the ſaid preſident and directors ſhall account annually to and with the ſtates land and Delaware for the ſurplus, and the ſame ſhall be equally divided between the ſaid nd upon any emergency, in the interval between the ſaid yearly meetings, the ſaid preſident, jority of the ſaid directors, may appoint a general meeting of the proprietors of the ſaid at any convenient place, giving at leaſt one month's previous notice in ſome of the Mary- elaware and Pennſylvania news-papers, which meeting may be adjourned and continued as d.

Canal, &c. veſted in the corporation, &c.

ND BE IT ENACTED, That for and in conſideration of the expences the ſaid ſtockholders t, not only in cutting the ſaid canal and other works for opening the ſaid navigation, but in ing and keeping the ſame in repair, the ſaid canal and works, with all their profits, under tations aforeſaid, ſhall be and the ſame are hereby veſted in the ſaid corporation for ever; and

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and that it ſhall and may be lawful for the ſaid preſident and directors, after the ſaid canal made navigable, to demand and receive the following tolls at ſuch place or places in the they may hereafter direct, provided that the whole toll received ſhall not amount to more rates fixed by this act; that is to ſay,

	Do
Every pipe of wine or French brandy containing more than one hundred and twenty gallons,	
Every hogſhead of rum, or other ſpirits,	
Every hogſhead of tobacco,	
Every hogſhead of beer, cyder, rice or molaſſes,	
Every barrel,	
And all other caſks or kegs in proportion according to the quantity and quality of their contents.	
For caſks of linſeed oil, ſame as ſpirits.	
Every buſhel of wheat, peas, beans or flax-ſeed,	
Every buſhel of Indian corn, or other grain or ſalt,	
Every barrel of pork, beef or fiſh,	
Every barrel of flour,	
Every ton of hemp, flax, potaſh, bar or manufactured iron,	
Every ton of pig-iron or caſtings,	
Every ton of copper, lead, or other ore, other than iron ore,	
Every ton of ſtone or iron ore,	
Every chalron of coals,	
Every hundred pipe or hogſhead ſtaves, or pipe or hogſhead heading,	
Every hundred barrel ſtaves or barrel heading,	
Every thouſand ſhingles, two feet long or more,	
Every thouſand ſhingles leſs than two feet long,	
Every hundred cubic feet of plank or ſcantling,	
Every hundred cubic feet of other timber,	
Every groſs hundred weight of all other commodities or packages,	

And for all other commodities, the ſame proportion, agreeable to the articles herein enumerated.

And every boat or veſſel which has not commodities on board to pay the ſum of four dollars ſhall pay ſo much, as, with the commodities on board, will yield the ſum aforeſaid.

And every empty boat or veſſel, four dollars, except an empty boat or veſſel returning whoſe load has already paid the tolls affixed, in which caſe ſhe ſhall repaſs toll free; provided ſuch boat or veſſel ſhall return within fourteen days after paying ſaid tolls.

On refuſal to pay, veſſels may be refuſed paſſage, &c.

X. AND BE IT ENACTED, That in caſe of refuſal or neglect to pay the toll at the time o to paſs through the ſaid canal, and previous to the veſſel's paſſing through the ſame, the c of the ſaid tolls may lawfully refuſe paſſage to ſuch veſſel; and if any veſſel ſhall paſs witho the ſaid toll, then the ſaid collectors may ſeize ſuch veſſel wherever found, and ſell th auction for ready money, which, ſo far as is neceſſary, ſhall be applied towards paying ſaid all expences of ſeizure and ſale, and the balance, if any, ſhall be paid to the owner, and th having the direction of ſuch veſſel ſhall be liable for ſuch toll, if the ſame is not paid by th ſuch veſſel as aforeſaid; provided that the ſaid proprietors, or a majority of them, holdin five hundred ſhares, ſhall have full power and authority, at any general meeting, to leſſen tolls, or any of them; provided alſo, that the ſame rate of tolls ſhall be paid on articles paſ Cheſapeake to Delaware as upon thoſe paid from Delaware to Cheſapeake.

Canal, &c. to be eſteemed a public highway, &c.

XI. AND BE IT ENACTED, That the ſaid canal, and the works to be erected thereon in this act, when completed, ſhall for ever thereafter be eſteemed and taken to be navigable as highway, free for the tranſportation of all goods, commodities or produce whatſoever, on pa the tolls impoſed by this act; and no toll or tax whatever for the uſe of the water of the ſa and the works thereon erected, ſhall at any time hereafter be impoſed by all or either of ſtates.

XII. AND, whereas it is neceſſary for the making the ſaid canal, and ſupplying the ſame w ter, that proviſion ſhould be made for condemning a quantity of land for theſe purpoſes

Preſident, &c. may purchaſe land, &c.

ENACTED, That it ſhall and may be lawful for the ſaid preſident and directors, or a majority to purchaſe, from the owners thereof, any land through which the ſaid canal is intended to through which it may be neceſſary to ſupply water to the ſame; and in caſe of diſagreeme

owner thereof shall be a *feme-covert*, under age, *non compos*, or out-of the state, on applica- any two justices of the county in which such land shall lie, the said justices shall issue their under their hands, to the sheriff of their county, to summon a jury of eighteen inhabitants ounty, of property and reputation, not related to the parties, nor in any manner interested, on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more enty days thereafter; and the sheriff, upon receiving the said warrant, shall forthwith sum- said jury, and when met, shall administer an oath, or affirmation, as the case may require, y juryman that shall appear, that he will faithfully and impartially value the land, and all the owner thereof shall sustain by the cutting the canal through the said land, according to of his skill and judgment, and that in such valuation he will not favour any person, nor any grieve for hatred, malice or ill will; and the inquisition thereupon taken shall be signed by iff, and some twelve or more of the jury, and returned by the sheriff to the clerk of his to be by him recorded; and upon every such valuation the jury are hereby directed to de- d ascertain the bounds of the land by them valued, and their valuation shall be conclusive rsons, and shall be paid by the said president and directors to the owner of the land, or his resentative, before they shall take possession of said land, and on the payment thereof the pany shall be seized in fee of said land, as if conveyed by the owner to them, and their suc- in fee, by legal conveyance; provided nevertheless, that if any further damage shall arise to rietor of land in consequence of opening such canal, or in erecting such works, than had been onsidered and valued, it shall and may be lawful for such proprietor, as often as any such new shall happen, by application to, and warrant from, any two justices of the county where the e, to have such further damage valued by a jury in like manner, and to receive and recover e of the said president and directors; but nothing herein shall be construed or taken to entitle rietor of any such land to recover compensation for any damages which may happen to any rges, or other works or improvements, which shall be begun or erected by such proprietor h valuation, unless the same damage is wilfully or maliciously done by the said president and s, or by some person by their authority.

And agree with proprietors, &c.

AND BE IT ENACTED, That the said president and directors, or a majority of them, are uthorised to agree with the proprietors for the purchase of a quantity of land, not exceeding , at or near each of the said places of receipt of tolls aforesaid, for the purpose of erecting buildings, and in case of disagreement, or any of the disabilities aforesaid, or the proprie- out of the state, then such land may be valued, condemned and paid for, as aforesaid, for ose aforesaid, and the said company shall, upon payment of the valuation of the said land, thereof in fee-simple as aforesaid.

Shares may be transferred, &c.

AND BE IT ENACTED, That it shall and may be lawful for every of the said proprietors to his share or shares, by deed executed before two witnesses, and registered, after proof of the n thereof, in the said company's books, and not otherwise, except by devise, which devise be exhibited to the president and directors, and registered in the said company's books, be- devisee or devisees shall be entitled to draw any part of the profits from the said tolls; pro- hat no transfer whatsoever shall be made, except for one or more whole share or shares, and part of such shares, and that no share shall at any time be sold, conveyed, transferred or held for the use and benefit, or in the name of another, whereby the said president and directors, rietors of the said company, or any of them, shall or may be challenged or made to answer ing any such trust, but that every person appearing as aforesaid to be a proprietor shall, as to rs of the said company, be to every intent taken absolutely as such, but as between any trus- the person for whose benefit any trust shall be created, the common remedy may be pursued.

Capital may be increased, &c.

AND BE IT ENACTED, That if the said capital, and the other aids already granted by this l prove insufficient, it shall and may be lawful for the said company, from time to time, to the said capital, by the addition of so many more whole shares as shall be judged necessary said proprietors, or a majority of them, holding at least five hundred shares, present at any meeting of the said company; and the said president and directors, or a majority of them, by empowered and required, after giving at least one month's previous notice thereof in some Maryland, Delaware and Pennsylvania news-papers, to open books at such place or places as directed by said meeting, for receiving and entering such additional subscriptions, in which rietors of the said company for the time being shall and are hereby declared to have the pre- of all others for the first thirty days after the said books shall be opened as aforesaid, of taking scribing for so many whole shares as any of them shall choose; and the said president and di- are hereby required to observe, in all other respects, the same rules therein as are by this act

CHAP. XVI.

prescribed for receiving and adjusting the first subscriptions, and in like manner to return, un hands of any four or more of them, an exact list of such additional subscribers, with the them respectively subscribed, into the general courts as aforesaid, to be there recorded; and prietors of such additional shares shall be, and they are hereby declared to be, from thence incorporated into the said company.

Charter not to be destroyed, &c.

XVI. AND BE IT ENACTED, That if the stockholders, or the president and directors a should neglect or omit, or be by an accident prevented from performing, any act or thing on ticular day on which it shall be directed by this act to be done and performed, such neglect or shall not be construed or taken in any manner to destroy or invalidate this charter, but the may be done at the next convenient day.

Bridges to be made, &c.

XVII. AND BE IT ENACTED, That whenever said canal shall cross any public road, it sha duty of said company, at the proper expence of the same, to make and keep good and bridges across said canal, so as to prevent any inconveniencies in the usage of said road or reason of said canal crossing the same.

Proviso.

XVIII. PROVIDED, That this law shall be of no force or effect until a law be passed by of Delaware, authorising the cutting the canal aforesaid, and until a law shall be passed by t lature of Pennsylvania, declaring the river Susquehanna to be a highway, and authorising in or bodies corporate to remove obstructions therein at a period not exceeding three years first day of March, eighteen hundred.

CHAP. XVII.

Passed 3d of Jan. 1800.

A Further supplement to the act, (a) entitled, An act for maki river Susquehanna navigable from the line of this state to tide Lib. JG. No. 3. fol. 261.

(a) November, 1783, ch. 23.

Number of shares may be enlarged, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That it shall and may be lawful for prietors of the Susquehanna canal to enlarge their number of original shares at a meeti company, by adding thereto a number not exceeding fifty shares; and all subscribers to su shall and are hereby from thenceforth declared to be incorporated into said company, and titled to all the rights, benefits and privileges, that the original subscribers are by virtue o to which this is a supplement.

Sum to be ascertained, &c.

II. AND BE IT ENACTED, That the sum to be paid and subscribed for such augmented sh be ascertained by the company, at some meeting within six months from the date hereof same, when subscribed, shall be collected, on default of payment, in the same manner, a same process, as the original shares were.

Money to be expended, &c.

III. AND BE IT ENACTED, That the said company shall expend on opening and clearin of the river within the Maryland line the sum of five thousand dollars, within five years passage of this act; and upon expenditure of the same, and completing the navigation of t the river as aforesaid, they shall be entitled to half tolls thereon; that is to say, to one hal payable on navigating the canal, to be collected in such manner as the legislature shall here scribe.

Specie loaned, &c.

IV. AND BE IT ENACTED, That this state loan to the proprietors of the Susquehanna sum of thirty thousand dollars in specie, to be paid in quarterly payments; and the treasur western shore is hereby authorised to pay the same in quarterly payments, on the said directo ing with the governor and council bonds and security, to be approved of by them, for suc may be drawn in pursuance of this act, such bonds to be conditioned for the payment a six *per cent.* interest until the end of ten years, and for payment of the principal at the exp that period; provided, that if this loan is not accepted, and security given within twelv this clause of the present act shall be of no effect; and provided also, that security be giv governor and council that the said loan shall be applied to opening the canal.

CHAP. XVIII.

ACT for the more effectual preſervation of the breed of wild ſer in Somerſet and Dorcheſter counties. Lib. JG. No. 3. l. 262.

Paſſed 3d of Jan. 1800.

WHEREAS it has been repreſented to this general aſſembly, that the ſpecies of deer hath been very much leſſened, and are likely to be extinct; for the prevention whereof, it is thought by this general aſſembly to paſs an act reſtraining all perſons whatſoever from ſhooting, or ſe deſtroying them, for a limited time; Preamble.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall not be lawful for any perſon ſons whatſoever, from and after the end of this ſeſſion of aſſembly during the term of three to kill, or otherwiſe deſtroy, any deer, under the penalty of thirty dollars current money for deer ſo killed or deſtroyed, to be recovered in the county court of the county where the ſaid ſhall be committed by indictment, one half of which ſum ſhall be applied to the uſe of the and the other half ſhall be received by the perſon who ſhall make information thereof. Deer not to be killed, &c.

AND BE IT ENACTED, That after the expiration of the aforeſaid term of three years, no perperſons whatſoever ſhall ſhoot, kill, or otherwiſe deſtroy, any deer, except from the fifteenth ember to the fifteenth of December yearly, under the penalty aforeſaid. Except from Sept. 15 to Dec. 15, &c.

AND BE IT ENACTED, That any perſon or perſons whatſoever, in whoſe hands or cuſtody any eſh, or deer's ſkin or ſkins ſhall be found, that ſhall appear to have been killed contrary to , ſhall be deemed, taken and adjudged, the killer or deſtroyer of ſuch deer, and liable to the aforeſaid, unleſs ſuch perſon or perſons ſhall make it appear who it was that really killed the r from whom ſuch perſon poſſeſſed thereof ſhall have received the ſame, or that the ſame was ed contrary to the prohibition of this act. Perſons to be conſidered as the killer, &c.

ND BE IT ENACTED, That if any maſter, miſtreſs or overſeer, ſhall wilfully ſuffer any ſervant nts, ſlave or ſlaves, under his, her or their care and management, to hunt, kill or deſtroy, contrary to this act, ſhall forfeit the ſum of thirty dollars, to be recovered and applied as irected; and if any ſervant or ſervants, ſlave or ſlaves, do or ſhall hunt, kill or deſtroy, any ontrary to this act, and without the privity and knowledge of their maſter, miſtreſs or overd be convicted thereof before any juſtice of the peace, ſuch ſervant or ſervants, ſlave or ſhall be whipped not exceeding thirty-nine laſhes, at the diſcretion of ſuch juſtice of the provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to the owner from killing tame deer, or deer confined within parks. Penalty on maſters, &c.

AND BE IT ENACTED, That an act, entitled, An act for the preſervation of the breed of er, paſſed at November ſeſſion, ſeventeen hundred and eighty-nine, * be and the ſame is hereled, ſo far as reſpects the counties aforeſaid. An act repealed. * Chapter 5.

CHAP. XIX.

ACT to releaſe the heirs, executors and adminiſtrators, and the urities, of Charles Beckwith, late of Montgomery county, deaſed, from a contract therein mentioned. Lib. JG. No. 3. . 263.

WHEREAS it is repreſented to this general aſſembly, by the petition of ſundry inhabitants of Montgomery county, that agreeably to the act of aſſembly paſſed November ſeſſion, one thouven hundred and ninety-ſeven, * entitled, An act to authoriſe and empower the levy court of mery county to aſſeſs and levy a ſum of money on the aſſeſſable property thereof for the purbuilding a new gaol in ſaid county, the commiſſioners appointed by ſaid act did contract for the building of the gaol to a certain Charles Beckwith, and advanced to the ſaid Beckwith of one hundred and ſixty pounds for the purpoſe of procuring materials for the gaol aforeid that ſoon after the ſaid Charles Beckwith died, leaving a widow, who is unable to comply e contract aforeſaid: And whereas it is further repreſented by ſaid petition, that the county derive conſiderable advantage if a law was to paſs releaſing the heirs, executors and adminiand the ſecurities, of the ſaid Charles Beckwith, from the contract aforeſaid, and autho- Preamble. * Chapter 21.

CHAP. XIX.

riſing the commiſſioners appointed by the act aforeſaid to proceed to contract with ſome other or perſons to erect a gaol in ſaid county, and it appearing to this general aſſembly to be rea and proper; therefore,

Heirs, &c. releaſed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the heirs, executors and adm tors, and alſo the ſecurities, of the ſaid Charles Beckwith, be and they are hereby releaſed onerated from all and every contract or contracts entered into with the commiſſioners afore either of them, by the ſaid Charles Beckwith, in any manner reſpecting the gaol aforeſaid, p the heirs, executors and adminiſtrators, or the ſecurities, of the ſaid Charles Beckwith, or e them, ſhall, on or before the firſt day of March next, return to the aforeſaid commiſſioners of money advanced by them, or either of them, to the ſaid Charles Beckwith, for the purpo ſaid, with legal intereſt on the ſame from the time ſuch advance took place.

On complying, commiſſioners to proceed, &c.

III. AND BE IT ENACTED, That if the heirs, executors or adminiſtrators, or the ſecuri the ſaid Charles Beckwith, or either of them, ſhall comply with the proviſions of this act, t the commiſſioners appointed by the act aforeſaid are hereby authoriſed to proceed under the in the ſame manner as if no contract had ever taken place.

CHAP. XX.

Paſſed 3d of Jan. 1800.

An ACT to authoriſe and empower the levy court of Montgo county to aſſeſs and levy annually a ſum of money for the ſu of Michael O'Daniel. Lib. JG. No. 3. fol. 264.

Preamble.

WHEREAS Michael O'Daniel, of Montgomery county, by his petition to this general hath ſet forth, that he is very old and infirm, and frequently attacked with the rhe and has no other dependence whereby to ſubſiſt but on the benevolence of his only ſon, wh poor, and prays that an act may paſs to provide for his future maintenance out of the poo and the facts ſtated in ſaid petition appearing to be true, therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy Montgomery county ſhall be and they are hereby authoriſed and empowered, at their levy c nually, ſo long as they ſhall ſee cauſe, to aſſeſs and levy on the aſſeſſable property of ſaid ſum of money, not exceeding thirty dollars, for the ſupport and maintenance of the ſaid O'Daniel, and that the ſame be collected and paid annually by the collector of Montgomer to ſuch perſon or perſons as the levy court of ſaid county ſhall or may direct.

CHAP. XXI.

An ACT for the benefit of Joſeph Bouze, of Worceſter county. Lib. JG. No. 3. fol. Private Act.

CHAP. XXII.

* 1795, ch. 60.

A Supplement to the act, * entitled, An act to incorporate the land inſurance company. Lib. JG. No. 3. fol. 265.

Preamble.

WHEREAS the Maryland inſurance company have, by their petition, prayed that they enabled by law to purchaſe and hold, to them and their ſucceſſors, a lot of ground in of Baltimore, whereon they may have erected ſuitable buildings to accommodate them in t action of their buſineſs as an inſurance company; therefore,

Company capable of purchaſing, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the Maryland inſurance ſhall be, and they are hereby declared to be, capable of purchaſing and holding, in fee-ſ them and their ſucceſſors, for ever, a lot or parcel of ground ſituated in the city of Balti the purpoſe of erecting thereon ſuitable buildings to accommodate the ſaid corporation in t action of their buſineſs as an inſurance company; and the ſaid corporation ſhall be, and hereby declared to be, capable of receiving a deed of conveyance for the ſame, and, if nec executing a deed, conveying their right and title in and to the ſaid lot, with its apperten any perſon or perſons whatever, in as full and effectual a manner as any perſon or body may or can do, and in the caſe of the execution of the deed by the ſaid corporation as afo ſhall be ſufficient and effectual, to every intent and purpoſe, if the preſident ſhall thereto his name, and affix the ſeal of the corporation, and ſhall, in the name and in behalf of the poration, acknowledge the ſame before ſuch perſon or perſons as the law directs in the ca perſon or perſons executing and acknowledging any deed for the conveyance of land in fee-

CHAP. XXIII.

ACT for the adjournment of Prince-George's county court. Lib. JG. No. 3. fol. 266.

Passed 3d of Jan. 1800.

Preamble.

WHEREAS Prince-George's September county court ſtands adjourned till the ſecond Monday in December,

Cauſes, &c. adjourned, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That all cauſes, pleas, proceſs and pro-, now depending and returnable to the ſaid September court, ſhall be, and by virtue of this adjourned and continued to the firſt Monday in April next, and that all the ſaid cauſes, roceſs and proceedings, in the ſaid court, now depending and returnable to the ſaid Septem-rt, ſhall be in the ſame ſtate and condition as they would be in on the ſaid ſecond Monday mber, any thing to the contrary notwithſtanding.

CHAP. XXIV.

CT to empower the juſtices of the levy court of Anne-Arundel unty to aſſeſs and levy a ſum of money for the purpoſe therein ntioned. Lib. JG. No. 3. fol. 266.

Preamble.

WHEREAS Elizabeth Purdy, of Anne-Arundel county, by her petition to this general aſſembly hath ſet forth, that ſhe, from age and indigence, is unable to ſupport herſelf and four ſmall , (one of which, a girl, is entirely blind, and unable by any means to procure the neceſſaries and prays that a law may paſs for the ſupport of her ſaid daughter out of the poor-houſe; prayer of the petitioner appearing reaſonable,

Money to be levied, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Anne-Arundel coun- be and they are hereby directed and empowered, at their levy courts annually, ſo long as ſee cauſe, to aſſeſs and levy on ſaid county a ſum of money, not exceeding forty dollars, ſupport and maintenance of the ſaid Elizabeth Purdy's daughter, and that the ſame be col- d paid annually to the aforeſaid Elizabeth Purdy by the collector or collectors of Anne- ounty, agreeable to the order of the levy court aforeſaid.

CHAP. XXV.

CT reſpecting the ſheriff of Talbot county. Lib. JG. No. 3. 267.

Preamble.

WHEREAS it has been repreſented to the general aſſembly, that John Thomas, the ſheriff of Talbot county, did not, during the period between the eighth day of October, in the year n hundred and ninety-eight, and the firſt day of January following, give bond with ſecurity faithful performance of his office for the year then next enſuing, as required by the conſti- nd the laws of this ſtate, whereby the validity of his proceedings, and his reſponſibility to ho may have been affected by acts done by him under colour of his office, may be queſtioned; general aſſembly being ſatisfied that this omiſſion did not proceed from deſign, and that the ſaid John Thomas, nor any perſon affected by his acts, ought to ſuffer by reaſon thereof; e,

Acts ratified, &c.

E IT ENACTED, *by the General Aſſembly of Maryland*, That all lawful acts and proceedings done, d or executed, and all powers, emoluments and rights, exerciſed or acquired, by the ſaid omas, by virtue of his office of ſheriff of Talbot county during the year enſuing the period before mentioned, be and the ſame are hereby ratified, allowed and confirmed, to all intents poſes, and in like manner and effect, as if the ſaid John Thomas had given bond with ap- ecurity during the ſaid period for the performance of his office, as required by the conſtitu- laws of this ſtate.

Aſſociate juſtices to meet, &c.

AND BE IT ENACTED, That the aſſociate juſtices of Talbot county court ſhall, on or before Tueſday of January next, meet at the court-houſe in the ſaid county, and require the ſaid homas to attend them on the day which they ſhall appoint; and thereupon the ſaid John ſhall, in their preſence, enter into bond, with two ſufficient ſecurities, to be approved by the ices, to the ſtate of Maryland, in the penalty of five thouſand pounds current money, in the m, with condition, "that if the ſaid John Thomas ſhall render to the ſeveral officers within this

CHAP. XXV.

this ſtate a juſt and true account of all fees placed in his hands for collection, and ſhall alſo truly pay all ſums of money received by him, and alſo pay and ſatisfy all public dues, fines feitures, which are due or belonging to this ſtate, and ſhall alſo pay and deliver to the perſo ſons entitled to receive the ſame, all ſum or ſums of money, tobacco, goods, chattels or p by him levied, ſeized or taken, agreeably to the directions of the writ, proceſs or warran which the ſame ſhall have been levied, ſeized or taken, and ſhall alſo pay and ſatisfy all ju which may have been rendered againſt him as ſheriff of the ſaid county, and ſhall and wi things ſatisfy, ſave harmleſs and indemnify, all and all manner of perſon or perſons who ſh been, or may be, aggrieved, affected or damnified, by any act, omiſſion, misfeaſance or negle ſuffered or committed, by him the ſaid John Thomas, in virtue or under colour of his ſa during the preceding year of his ſhrievalty, then the ſaid bond to be void and of no effect, o to be and remain in full force and virtue;" and the ſaid juſtices ſhall atteſt and certify the e of the ſaid bond, and depoſit the ſame in the office of the clerk of the ſaid county, to be a recorded among the records thereof; and any perſon or perſons aggrieved by any act, omiſſi feaſance or neglect, of the ſaid John Thomas, done, ſuffered or committed, by him, under his ſaid office during the year enſuing the period herein before mentioned, ſhall have remed proſecuted on the ſaid bond, in like manner, and to the like effect, as ſuch perſon or perſon could, or might have had, upon his ſhrievalty bond, if the ſame had been executed by the ſ Thomas, as required by the conſtitution and laws of this ſtate; and an official copy of the ſ under the hand of the clerk and the ſeal of his office, ſhall be received in evidence in any this ſtate, in like manner, and to the like effect, as if the original were produced and prove ing to law.

To receive no benefit, &c.

IV. AND BE IT ENACTED, That the ſaid John Thomas ſhall receive no benefit or adv any part of this act, until he ſhall have entered into bond, with approved ſecurities, before juſtices, as required by the proviſions thereof.

CHAP. XXVI.

Paſſed 3d of Jan. 1800.

An ACT for the relief of Triſtram Dalton, of the city of W ington. Lib. JG. No. 3. fol. 268.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of Triſtram D the city of Waſhington, that by a variety of loſſes and misfortunes in trade, as a co of the firm of Lear and company, he is rendered unable wholly to ſatisfy the debts for w ſaid co-partnerſhip are anſwerable, and that the moſt of their creditors live in Great-Brit that it will be impracticable for him to obtain the aſſent to his diſcharge of two thirds in a all the creditors of the ſaid Lear and company: And whereas the ſaid Triſtram Dalton ha a ſpecial act may paſs in his favour; therefore,

On application, notice to be given, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That upon the application of Triſtram Dalton to the chancellor, by petition in writing, offering to deliver up all his poſſeſſion, reverſion or remainder, for the benefit of his creditors, and the creditors of the f and company, and annexing to the ſaid petition a ſchedule of his property and debts, the ſa dule comprehending diſtinct and ſeparate liſts of the property and debts belonging to him in right, and alſo in right of his being a partner in the ſaid firm of Lear and company, and a li creditors, as well as the creditors of the ſaid Lear and company, ſo far as he can aſcertain t on oath, the chancellor ſhall direct notice of ſuch application to be given and publiſhed in ſu ner as he ſhall think expedient, and appoint a certain day for the creditors of the ſaid T Dalton to appear in chancery, and to recommend a truſtee or truſtees on their behalf; and appearance of the ſaid creditors, or on their neglect to appear on notice as aforeſaid, the ch ſhall adminiſter to the ſaid Triſtram Dalton the following oath, to wit: "I, Triſtram Da "ſwear, that I will deliver up, convey and transfer, to my creditors, in ſuch manner as t "cellor ſhall direct, all my property, that I have or claim any title to, or intereſt in, at th "and all debts, rights, claims and credits, which I have or am in any way entitled to, in p "reverſion or remainder, as well ſeverally as jointly with any other perſon or perſons, a "have not, directly or indirectly, at any time, ſold, conveyed, leſſened or diſpoſed of, fo "or benefit of any perſon or perſons, or intruſted, any part of my money or other propert "ſaid, debts, rights or claims, thereby to defraud my creditors, or any of them, or to fe "ſame to receive or expect any profit, benefit or advantage thereby;" and in caſe of the n the ſaid creditors to appear and recommend a truſtee or truſtees, the chancellor ſhall appo perſon or perſons to be truſtee or truſtees as he ſhall think proper.

CHAP. XXVI. On giving a deed to be discharged, &c.

AND BE IT ENACTED, That upon the said Tristram Dalton executing and acknowledging a the trustee or trustees to be appointed as aforesaid, conveying all his property, real, personal ed, and all debts, rights and claims, agreeably to the oath of the said Tristram Dalton, and delivery of the possession of the said property, and all books, papers, and evidences of every lating to the said property, and the trustee or trustees certifying the same in writing to the or, the chancellor shall thereupon order that the said Tristram Dalton shall be discharged debts, contracts, covenants, promises and agreements, due from, or owing or contracted, entered into by him, before the date of the said deed, either in co-partnership with any or persons or by himself; provided, that such discharge shall not operate so as to discharge er person from any debt; and provided also, that any property which the said Tristram shall acquire in his own right, by descent, gift, bequest, devise, or in course of distribution, liable to the payment of his debts.

Liens to be first discharged, &c.

AND BE IT ENACTED, That the trustee in virtue of this act shall, in the first place, apply the of the property of the said Tristram Dalton which shall come to the hands of such trustee ees to the satisfaction and discharge of liens heretofore created thereon, and after the dis- of such liens, the residue among his several creditors, in equal proportions to their several and the interest, share or part, of the said Tristram Dalton, in any property or debt held by, o, any co-partnership, shall be applied, in the first place, to the satisfaction and discharge of partnership debts.

Trustee to give bond, &c.

ND BE IT ENACTED, That any trustee or trustees to be appointed in virtue of this act, before hey shall proceed to act as such, shall give bond, with security, to be approved of by the or, for the faithful execution of the trust reposed in him or them, and pursue in all respects ctions of the chancellor in the performance of the said trust.

T. Dalton may be examined, &c.

AND BE IT ENACTED, That if any of the creditors of the said Tristram Dalton shall, on the ion of the said Tristram Dalton to the chancellor, or within two years thereafter, allege in that the said Tristram Dalton has, directly or indirectly, sold, conveyed, lessened, or other- posed of, or purchased in trust for himself, or any other person or persons, or intrusted or , any part of his property, debts or effects, with intent to injure or defraud his creditors, them, or to expect, secure or receive, any benefit or advantage therefrom, the chancellor, ction of such creditor, may either examine the said Tristram Dalton on oath, on such alle- or direct an issue in a summary way, without the form of an action, for trying the truth of ; and if upon the answer of the said Tristram Dalton in the trial of the issue, he shall be uilty of any fraud or deceit of his creditors, he shall for ever be precluded from any benefit act, and if the said Tristram Dalton shall, at any time thereafter, upon indictment, be con- f wilfully, falsely and corruptly swearing to any matter or thing to which he shall swear by f this act, he shall suffer as in case of wilful and corrupt perjury.

If arrested, to be discharged, &c.

AND BE IT ENACTED, That if the said Tristram Dalton shall be arrested or imprisoned on sued out on any judgment or decree obtained against him for any debt, damage or costs, due, ed, owing, or growing due before the passing this act, the court out of which such process all and may discharge the said Tristram Dalton on motion; and if the said Tristram Dalton sued, arrested or imprisoned, on any mesne process for the recovery of any debt or damages, ed, owing, or growing due before the passing this act, the court before whom such process returned shall and may discharge the said Tristram Dalton out of custody on his common ap- being entered, without any special bail.

Assent of creditors to be produced, &c.

AND BE IT ENACTED, That the said Tristram Dalton shall not be entitled to the benefit of isions of this act, unless, at the time of presenting his petition as aforesaid, he shall produce hancellor the assent of two thirds in value of his creditors who are citizens of this state, or United States, at the time of passing this act.

CHAP. XXVII.

Passed 3d of Jan. 1800.

CT to lay out a road from the Morgan-town road, on the ridge ween Aza Beall's and William Coddington's, to the Virginia e, near the lands of John Forrest. Lib. JG. No. 3. fol. 271.

Preamble.

HEREAS sundry inhabitants of Allegany county, by their petition to this general assembly have set forth, that they labour under many inconveniencies for the want of a public road, to leave

CHAP. XXVII.

leave the Morgan-town road on the ridge between Aza Beall's and William Coddington's, a thence to the line that divides the ſtate of Maryland and Virginia, near the lands of John and have prayed that a road may be laid out and opened in ſaid direction at their expence, wh pearing to this aſſembly reaſonable; therefore,

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Jeſſe Tomlinſon, George Ly Baſil Iſrael, or any two of them, be and they are hereby appointed commiſſioners to ſurvey out, at the expence of the petitioners, a road, not exceeding thirty feet in width, from the M town road, on the ridge between Aza Beall's and William Coddington's, to the dividing line b Virginia and Maryland, near the lands of John Forreſt, in the direction that will beſt ſuit th tion of the ground; and a plot of the ſaid road, when ſurveyed and laid out, together with ficate of the courſes of the ſame, ſhall be returned by the commiſſioners to Allegany coun court, to be recorded; and the ſaid road, when opened at the expence of the petitioners, ever thereafter be deemed and taken to be a public highway, and repaired and improved in t manner as other public roads in the ſaid county.

Damages to be aſcertained, &c.

III. AND BE IT ENACTED, That in caſe the petitioners, and any perſon or perſons throug land the road may paſs, cannot agree upon the damages ſuſtained by ſuch perſon or perſons, commiſſioners, upon application of the party or parties intereſted, ſhall aſcertain and value w mages may be ſuſtained by any perſon or perſons through whoſe land the ſaid road may pa ſhall take an oath before ſome juſtice of the peace of the ſaid county before they proceed to v damages aforeſaid, that they will, without favour, affection, prejudice or partiality, aſſeſs the ſuſtained by the perſon or perſons at whoſe requeſt ſuch valuation ſhall be made by reaſon ing the aforeſaid road through his, her or their land; and the ſaid commiſſioners ſhall aſſeſs the damages accordingly, of which the ſaid petitioners, or ſome one of them, ſhall have at days previous notice, and ſuch valuation ſhall be final and concluſive between the parties, ſame, when ſo aſſeſſed, ſhall be paid, or ſecured to be paid, to the ſaid petitioners, before t proceed to open the ſaid road.

Not to go thro' buildings, &c.

IV. AND BE IT ENACTED, That the commiſſioners ſhall not lay out or open the ſaid road the buildings, gardens, orchards or meadows, of any perſon without his or her conſent.

CHAP. XXVIII.

Paſſed 3d of Jan. 1800.

An ACT to make public a certain road in Talbot county. Lib No. 3. fol. 272.

Preamble.

WHEREAS there is a certain part of the road now leading from Eaſton, in Talbot co the river Choptank, through the land of William Akers, which is private, and the wiſhed to be made public; therefore,

Road declared public, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the road which now lea Eaſton to the river Choptank, oppoſite the town of Cambridge, through the land of Willia be, and the ſame is hereby declared to be, a public highway, and that the ſame ſhall be among the records of Talbot county.

Commiſſioners appointed, &c.

III. AND BE IT ENACTED, That James Goldſborough, Samuel Dickinſon and Henry Mar hereby appointed commiſſioners, to meet on the ſaid road on or before the firſt day of May which time the ſaid commiſſioners ſhall proceed to value ſuch damage as in their opinion ſha to the ſaid William Akers from the road ſo paſſing through his land being made public, an ſoon as the valuation of ſuch damage ſhall be aſcertained by the ſaid commiſſioners, or a ma them, it ſhall be returned by them, under their hands, to the levy court of Talbot county; ſaid levy court are hereby empowered to levy on the aſſeſſable property of ſaid county, ſuch ſums of money as ſhall be returned by the ſaid commiſſioners to be the value of the damage by the ſaid Akers from the road being made public, and that the ſums ſo levied ſhall be p hands of the ſheriff of Talbot county for collection; and the ſaid ſheriff ſhall be entitled for vices to the ſum of ſix *per cent.* on the amount of the money ſo aſſeſſed; and as ſoon as the ney ſhall be collected, it ſhall be paid by the ſaid ſheriff to the ſaid Akers, as a compen ſuch damage.

How vacancies are to be filled.

IV. AND BE IT ENACTED, That in caſe of the death, reſignation, or refuſal to act, of a ſaid commiſſioners, the remainder of them may proceed to appoint ſuch other commiſſioners

hink moſt proper, and the commiſſioners ſo appointed ſhall proceed to act in the ſame manner, ll have the ſame powers, as if originally named; and in caſe none of the commiſſioners autho- y this law ſhall proceed to act agreeably to their appointment on or before the firſt day of Au- xt, then the levy court, at their next meeting, ſhall have the power to appoint three other eſted perſons as commiſſioners, who ſhall proceed to act accordingly.

ND, inaſmuch as it is contemplated to have a public ferry eſtabliſhed on each ſide of the k river, and it is wiſhed that the ſaid Akers ſhould ſuſtain as little damage as poſſible from d ſo running being made public, BE IT ENACTED, That the ſaid William Akers ſhall have the e right to keep the ferry from the Dorcheſter, as well as the Talbot ſhore, and that the ferry e Talbot ſhore ſhall be licenſed by the county court of Talbot; and the ferry from the Dor- ſhore be licenſed by the county court of Dorcheſter; and in caſe the ſaid William Akers glect or refuſe to comply with the requiſites of this act, or the acts of aſſembly to regulate erries, that are now or may be hereafter in force in this ſtate, then any other perſon may ap- a licence to keep ſaid ferry, and the county court of Dorcheſter is hereby empowered to grant ence on ſuch application.

Excluſive right veſted, &c.

CHAP. XXIX.

CT to prevent aſſignees from ſuing by attachment of privilege. Lib. JG. No. 3. fol. 273.

Paſſed 3d of Jan. 1800.

T ENACTED, *by the General Aſſembly of Maryland*, That no aſſignment hereafter made of any d, bill, penal or ſingle, promiſſory note or bill of exchange, to any perſon or perſons entitled attachment of privilege, ſhall operate to enable ſuch perſon or perſons to ſue by attach- privilege, but the ſaid aſſignee or aſſignees ſhall have the ſame remedy as perſons not enti- ſue by attachment of privilege, and no other or ſpeedier, any law, uſage or cuſtom, to the notwithſtanding.

No aſſignment ſhall operate, &c.

CHAP. XXX.

CT to pay the civil liſt, and other expences of civil govern- nt. Lib. JG. No. 3. fol. 273.

REAS thoſe who dedicate their time, abilities and labour, to the public, ought to receive reaſonable and adequate compenſation for their ſervices,

Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the following officers of civil ent for the time being ſhall be entitled to receive at the rate of the following ſalaries in money for the enſuing year, to wit: The treaſurer of the weſtern ſhore, two thouſand dol- e treaſurer of the eaſtern ſhore, four hundred and fifty dollars; the auditor, eight hundred the clerk of the council, eight hundred dollars; the clerk of the ſenate, one hundred and ars; the clerk of the houſe of delegates, three hundred dollars; the printer to the ſtate, hundred dollars; the meſſenger to the council, two hundred and fifty dollars.

Officers ſalaries.

ND BE IT ENACTED, That all monies which ſhall remain in the treaſury, after diſcharging nal of accounts, and all unappropriated money which may come into the treaſury, be firſt o the payment of the civil liſt for the enſuing year.

Money to be firſt applied.

CHAP. XXXI.

pplement to the act, * entitled, An act for the opening of ond-ſtreet, in the city of Baltimore. Lib. JG. No. 3. 274.

* 1798, ch. 19.

REAS it appears to this general aſſembly, by the petition of ſundry inhabitants of the city of Baltimore, that the operation of the act paſſed at the laſt ſeſſion of aſſembly, entitled, or the opening of Second-ſtreet in the city of Baltimore, is partial and oppreſſive, in im- e whole expence of opening the ſaid ſtreet only upon thoſe perſons reſident or holding pro- ſaid ſtreet between Gay-ſtreet and South-ſtreet; for remedy whereof,

Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That the ſheriff of Baltimore county or before the firſt day of April next, at ſome convenient place near the premiſes, to be noti- appointed by the ſaid ſheriff, cauſe a meeting to be had of the jury, who have, in virtue of

Sheriff to cauſe a meeting, &c.

CHAP. XXXI.

the act to which this is a ſupplement, already aſcertained and eſtimated the damage whic accrue to all and any perſon or perſons by the opening of ſaid ſtreet, and the ſaid jury when (and having individually taken an oath, or affirmation, as the caſe may require, faithfully and tially to do and perform all the duties impoſed upon them by this act to the beſt of their ſk knowledge,) proceed to aſſeſs and impoſe the price of the damage aforeſaid which muſt accrue perſon or perſons from the opening of ſaid Second-ſtreet, (as aſcertained by the proceedings jury, had and done under the act to which this is a ſupplement, and recorded in the regiſter' of the city of Baltimore,) upon all and every perſon or perſons holding houſes or lots in a Second-ſtreet, between South-ſtreet and Frederick-ſtreet, and upon all and every other pe perſons holding houſes or lots on South-ſtreet, who in their judgment and conſcience will derive any particular benefit by the opening of ſaid Second-ſtreet.

In caſe of death, &c. others to be ſummoned, &c.

III. AND BE IT ENACTED, That if the perſons compoſing the ſaid jury, or any of them, dead, ſick, or abſent from the city of Baltimore, at the time which may in virtue of this ac pointed by the ſheriff aforeſaid for the meeting of the ſaid jury, then and in ſuch caſe the ſai is hereby authoriſed and required to ſummon other perſons, qualified according to the act t this is a ſupplement, to make up the jury to the number of twelve, and the ſaid jury, when th up, and being qualified, ſworn, or having affirmed as aforeſaid, ſhall have full power and auth perform all the acts and duties impoſed upon the ſaid jury by this act, in caſe the ſame was c of all the perſons who originally acted under the act to which this is a ſupplement.

Jury to make a return, &c.

IV. AND BE IT ENACTED, That the jury aforeſaid ſhall make a return of their proceed in virtue of this act, under their hands and ſeals, into the regiſter's office of the city of B and the ſame, or a copy thereof duly atteſted under the hand of ſaid regiſter and the corp of the city, ſhall be received as evidence in any court of law or equity.

Sums aſſeſſed to be a lien, &c.

V. AND BE IT ENACTED, That the ſum or ſums of money impoſed and aſſeſſed upon an or perſons in virtue of this act, ſhall be a lien upon and bind the property of ſuch perſon o which ſhall, by the jury aforeſaid, be deemed and declared to be benefitted by the op ſaid Second-ſtreet.

Perſons to have certain rights, &c.

VI. AND BE IT ENACTED, That every perſon or perſons whoſe property the jury unde to which this is a ſupplement have declared will ſuſtain an injury by the opening of Seco ſhall have reſpectively all the rights, remedies and means of recovery, in relation to the perſons upon whom the price of ſuch injury ſhall be impoſed and aſſented in virtue of this be ſubjected to all the inconveniencies and obligations to which they were reſpectively ent ſubjected in virtue of the act to which this is a ſupplement.

CHAP. XXXII.

Paſſed 3d of Jan. 1800.

An ACT reſpecting the public roads in Waſhington county.

JG. No. 3. fol. 275.

Court to appoint commiſſioners, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Waſhingto ſhall have power and authority to appoint three diſcreet perſons, freeholders in ſai commiſſioners to examine and review that part of the main road leading from Turner's g South mountain, to William's Port, as laid out by the commiſſioners under the act of ſeven dred and ninety, * as far as the run croſſing ſaid road, between John Summer's land and B as alſo the old road as now uſed from Turner's gap to the aforeſaid run, and the lands bet road laid out under the act of ſeventeen hundred and ninety and the old road aforeſaid, the opinion of ſaid commiſſioners the direction of the road can be altered in the part abov to the advantage of the county, that then the ſaid commiſſioners ſhall cauſe to be ſurveye out the grounds between the old road and the new road, on which, in their opinion, the be run with greater convenience to the public at large, and without delay execute, ſign plain plots of the ſame, with explicit explanations thereof, and make return of ſuch plots t court, who on receiving ſuch plots and explanations, ſhall examine the ſame, and all the that ſhall or may be offered for or againſt ſaid road, as returned, and upon conſideration cumſtances, may reject or confirm the ſame as part of the public road leading from Turne William's Port, and ſhall cauſe the ſame, if confirmed, to be recorded among the land Waſhington county, in teſtimony of the ſame being eſtabliſhed by law, and ſhall direc commiſſioners to mark and bound the ſaid road ſixty feet in width, and direct a ſupervisor viſors to clear and improve the ſame, in the ſame manner, and on the ſame term, as direc

* Chapter 32.

ſeventeen hundred and ninety, reſpecting the public roads in Waſhington county, and upon ting the ſame, it ſhall be deemed part of the public road leading from Turner's gap to n's Port, and ſhall be kept in repair as all other public roads in ſaid county are by law d to be kept, any law to the contrary notwithſtanding.

Agree for damages, &c.

AND BE IT ENACTED, That in caſe the ſaid levy court ſhall ratify and confirm the amendment road directed by this act to be made, they ſhall be and are hereby authoriſed and empowered ee and contract with the perſon or perſons over whoſe land ſuch part of the road after amend- ltered may paſs, for the amount of damages thereby ſuſtained, not exceeding the rate of ten current money per acre, but if ſuch agreement doth not take place, then the ſaid court ſhall eir warrant, directed to the ſheriff of the county, commanding him to ſummon and return a twelve good and lawful men of the ſaid county, not intereſted or related to the party or par- o be and appear before ſome one of the juſtices of the ſaid court, on the premiſes, at a certain the ſaid warrant to be expreſſed, which jury, on their oath, or affirmation, as the caſe may be, adminiſtered by the ſaid juſtice, ſhall inquire who are the owner or owners of the land over the road ſo laid out and ratified ſhall paſs, and whatever damages ſuch owner or owners will y ſuffer from the paſſage of ſuch road over the ſaid land, the ſaid jury taking into conſideration veniencies and inconveniencies, advantages and diſadvantages, if any, ariſing from the opening proving ſaid road, and ſuch ſheriff ſhall return the inquiſition of the ſaid jury, under their and ſeals, and atteſted by his official ſignature, to the next levy court to be held for the , and the amount of the damages therein expreſſed, if any, ſhall be paid by order of the ſaid out of the monies to be levied as is by law directed; provided, that the ſaid road ſhall not be to run through any building, encloſed yard, garden or orchard, without the conſent of the or owners, nor ſhall any field in which grain, hemp, flax, tobacco or other cultivated vegeta- e growing, be laid open until after the ſeaſon for collecting and ſecuring the crop growing field.

And order compenſation, &c.

AND BE IT ENACTED, That when the commiſſioners who may be appointed under this act ve diſcharged all the duties required of them in virtue of ſuch appointment, the levy court id ſhall order to be paid to the ſaid commiſſioners reſpectively, out of the monies to be levied w directed, ſuch reaſonable compenſation as to the ſaid court ſhall ſeem meet; and the ſaid ioners reſpectively ſhall thereafter be diſcharged.

CHAP. XXXIII.

Paſſed 3d of Jan. 1800.

ACT to prevent ſwine and geeſe going at large in Liberty-town, Frederick county. Lib. JG. No. 3. fol. 277.

No perſon to raiſe ſwine, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of May xt, it ſhall not be lawful for any perſon or perſons, inhabitants of Liberty-town, or the inha- of ſmall lots of ground containing leſs than ten acres of land, lying and being within one r of a mile from ſaid town, to raiſe or keep any ſwine or geeſe within ſaid town, or within arter of a mile of ſaid town, except in encloſures, or to ſuffer any ſwine or geeſe to go and at large within ſaid town, or within one quarter of a mile of ſaid town; and if any ſwine or belonging to the inhabitants of ſaid town or lots ſhall be found going and remaining at large ſaid town, or within one quarter of a mile of ſaid town, it ſhall and may be lawful for any or perſons to kill or impound the ſame, and if impounded, ſuch perſon ſhall immediately give by advertiſements ſet up at the moſt public places in ſaid town, deſcribing the ſwine or geeſe ounded; and if the owner or owners ſhall not, within five days after the ſetting up ſuch adver- t, prove his or her property therein, and make compenſation for the injury (if any) which ve been ſuſtained by any inhabitant of ſaid town or lots, to be aſcertained by any two diſin- d perſons, inhabitants as aforeſaid, and ſhall not pay for every ſuch ſwine the ſum of twenty- nts for every day it ſhall have been impounded, and for every ſuch gooſe the ſum of twelve or every day it ſhall have been impounded, it ſhall and may be lawful for the perſon or perſons ounding as aforeſaid to ſell, or kill the ſame for his or her benefit.

General iſſue pleadable.

AND BE IT ENACTED, That if any perſon or perſons ſhall be ſued and impleaded for killing, ring or ſelling, any ſuch ſwine or geeſe as aforeſaid, the defendant or defendants may plead the l iſſue, and give this act and the ſpecial matter in evidence.

CHAP. XXXIV.

Passed 3d of Jan. 1800. * 1797, ch. 17.

A Supplement to an act, * entitled, An act authorising the justices the levy court in Queen-Anne's county to levy a sum of money the building of a prison in the said county, and to regulate same. Lib. JG. No. 3. fol. 277.

Preamble.

WHEREAS it is represented to this general assembly, that the money which was levi collected under the act of seventeen hundred and ninety-seven, to which this is a supple for the purpose of erecting a prison in Queen-Anne's county, was insufficient for completing the

Justices to levy money, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy co and they are hereby authorised, directed and required, to assess and levy on the assessable prope said county, at the time of laying their public levies, a sum not exceeding five hundred pound rent money, together with six *per cent.* for collecting, which money shall be collected in th eighteen hundred as other county charges are, and when collected, shall be paid to the commiss and applied as is directed by the act to which this is a supplement.

CHAP. XXXV.

An ACT for the relief of James Roney, of Somerset cou Lib. JG. No. 3. fol. 278.

Preamble.

WHEREAS James Roney, a prisoner in the gaol of Somerset county, was included in for the relief of sundry insolvent debtors, passed last session of assembly, and for w certificate of his naturalization, (which he having made appear was obtained but unfortunate could not receive the benefit of said act; therefore,

Entitled to certain benefits, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the said James Roney shall b he is hereby declared to be, entitled to all the benefits of the act passed last year for the re sundry insolvent debtors, and wherein the said James Roney is named and included, upon hi plying with the other requisites of said act, in the same manner as if the said James Roney pr a certificate of his naturalization.

CHAP. XXXVI.

An ACT for the relief of Gilbert Murdock, of the city of Annapolis. Lib. JG. No. 3. fo A Private Act.

CHAP. XXXVII.

An ACT to authorise Charles Gassaway, of Montgomery county alter part of a road therein mentioned. Lib. JG. No. 3. fol.

Preamble.

WHEREAS Charles Gassaway, of Montgomery county, by his petition to this general a hath set forth, that the road leading from the mouth of Monocacy to Montgomery house runs through the plantation formerly Benjamin Edwards's, but now the property of Ga saway, and by his said petition prays that a law may pass, authorising him to alter said road fr old store-house of Benjamin Edwards, so as to run by the dwelling-houses, as the old road so did, until it intersects the present road in the edge of the woodland, between the dwelling-h said Benjamin Edwards and Montgomery court-house; and it appearing to this general assemb the alteration aforesaid is reasonable and proper, therefore,

Alteration to be made, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the said Charles Gassaway he is hereby authorised to make the alteration in the road as aforesaid, and the same, when a shall be deemed and taken as a public highway, and repaired as other public roads in said cou repaired.

CHAP. XXXVIII.

An ACT to authorise and empower the levy court of Anne-Aru county to assess and levy annually a sum of money for the pu therein mentioned. Lib. JG. No. 3. fol. 279.

Preamble.

WHEREAS Andrew Criswell, of Anne-Arundel county, by his petition to this general a hath set forth, that he is deprived of the use of his limbs by frequent attacks of the r

nd being, by age and infirmity, rendered unable to procure the neceſſaries of life, prays an act CHAP. XXXVIII.
ſs to provide for his future maintenance out of the poor's-houſe; and the facts ſtated in ſaid appearing to be true, therefore,

E IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Anne-Arundel county Juſtices to levy money, &c.
and they are hereby directed and empowered, at their levy court annually ſo long as they cauſe, to aſſeſs and levy on the aſſeſſable property of ſaid county a ſum of money, not exforty dollars, for the ſupport and maintenance of the ſaid Andrew Criſwell, and that the collected and paid annually by the collector of Anne-Arundel county to ſuch perſon as the rs of ſaid county ſhall or may direct.

CHAP. XXXIX.

ACT reſpecting the poor-houſe of Baltimore county. Lib. JG. No. 3. fol. 280.

Paſſed 3d of Jan. 1800.

T ENACTED, *by the General Aſſembly of Maryland*, That from and after the paſſing of this act, Truſtees may agree, &c.
truſtees for the poor of Baltimore county, or the major part of them, ſhall have full power hority to agree, and they are hereby empowered to pay to the overſeer of the alms and uſe of ſaid county, as a ſalary, a ſum not exceeding five hundred dollars *per annum*, and ſo during his continuance in office, the ſaid ſalary to be in full for all ſervices by him to be per-

ND BE IT ENACTED, That an act of aſſembly, paſſed at November ſeſſion, ſeventeen hundred An act repealed.
ty-ſeven, * entitled, An act reſpecting the poor-houſe of Baltimore county, be and the ſame * Chapter 109.
repealed.

ND BE IT ENACTED, That this act ſhall continue and be in force until the thirtieth day of Duration.
eighteen hundred and one, and until the end of the next ſeſſion of aſſembly which ſhall hereafter.

CHAP. XL.

CT for the relief of James Brown and William Thompſon, Charles county, Frederick Koones, of Prince-George's coun- and John Kelly, of Montgomery county. Lib. JG. No. 3. 280.

EREAS James Brown and William Thompſon, of Charles county, Frederick Koones, of Preamble.
rince-George's county, and John Kelly, of Montgomery county, by their petitions to this ſembly have ſet forth, that from ſundry misfortunes they are rendered unable to pay their at they are now confined in gaol, where they muſt remain without any benefit to their crehile their large families are left helpleſs and deſtitute, and expoſed to all the horrors and want: And whereas the ſaid James Brown, William Thompſon, Frederick Koones and y, have ſtated, that from ignorance of the law they have not taken the oaths of naturalizaſſary to make them citizens of the United States, although they have reſided in this ſtate to fifteen years, and have taken the oaths of allegiance thereto, and praying this general o take the ſpecial circumſtances of their caſe into conſideration, and grant them relief in ſes; which being thought reaſonable, therefore,

IT ENACTED, *by the General Aſſembly of Maryland*, That the chancellor ſhall be and he is Proviſions to be extended, &c.
thoriſed, on the application of the ſaid James Brown, William Thompſon, Frederick nd John Kelly, or either of them, by petition in writing, to be releaſed from their debts, to them the ſaid James Brown, William Thompſon, Frederick Koones and John Kelly, all ions of the act of aſſembly paſſed at the laſt ſeſſion, entitled, An act for the relief of ſundry lebtors, on the ſaid James Brown, William Thompſon, Frederick Koones and John Kelly, the chancellor that they have fully complied with the condition and terms of ſaid act; that it ſhall not be neceſſary for the ſaid James Brown, William Thompſon, Frederick nd John Kelly, to make it appear to the chancellor that they have been naturalized accordlaw of the United States, any thing in ſaid act to the contrary notwithſtanding.

CHAP.

CHAP. XLI.

Paſſed 3d of Jan. 1800.

An ACT for the relief of Thomas Hewitt, of Prince-George's county. Lib. JG. No. 3. fol. 281.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of Thomas Hewitt, of Prince-George's county, that by a variety of misfortunes in trade he is rendered wholly to ſatisfy his debts, and that he is at this time in actual confinement, having been committed at May term laſt in the general court on a *capias ad ſatisfaciendum*: And whereas the ſaid Thomas Hewitt has prayed a ſpecial act may paſs in his favour; therefore,

Proviſions to be extended, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the chancellor ſhall be and is hereby authoriſed, on application by the ſaid Thomas Hewitt, by petition in writing, to be exempted from his debts, to extend to the ſaid Thomas Hewitt all the proviſions of the act of aſſembly of laſt ſeſſion, entitled, An act for the relief of ſundry inſolvent debtors, ſo far as the ſaid proviſions extend to traders, on the ſaid Thomas Hewitt ſatisfying the chancellor that he has fully complied with the conditions required of traders by the aforeſaid act.

CHAP. XLII.

An ACT to prevent the going at large of ſwine in the town of Lower-Marlborough, in Calvert county. Lib. JG. No. 3. fol.

Swine, &c. not to go at large, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of eighteen hundred, no ſwine belonging to the inhabitants of ſaid town ſhall be ſuffered to go at large in the town of Lower-Marlborough, in Calvert county; and if any perſon ſhall find any ſwine going at large in the town of Lower-Marlborough aforeſaid, it ſhall and may be lawful for ſuch perſon to kill, or cauſe to be killed, ſuch ſwine.

General iſſue pleadable.

II. AND BE IT ENACTED, That if any perſon ſhall be ſued for killing any ſuch ſwine at large in the town of Lower-Marlborough aforeſaid, ſuch perſon may plead the general iſſue, and give this act and the ſpecial matter in evidence.

CHAP. XLIII.

An ACT for laying out two roads to Exeter mills, in Caroline county. Lib. JG. No. 3. fol. 282.

Preamble.

WHEREAS it is repreſented to this general aſſembly, by the petition of Solomon Barnes and others, of Caroline county, that they labour under great inconvenience for the want of public roads to ſaid mills,

Roads to be ſurveyed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for Leverton, Cain Roſs, Levin Nabb, James Wright, of Roger, and Abraham Roſs, or any two or more of them, to ſurvey and lay out two roads from ſaid mills, in the following manner; that is to ſay, one road leading from ſaid mills, by Thomas Watkins's plantation, until it interſects the road in or near the plantation of Nathan Wright; and one other road from ſaid mills, on the north-eaſt ſide of the north-weſt branch of Nanticoke river, until it interſects the main road near the village of Federalſburgh; provided, the ſaid roads ſhall not paſs through the houſe, garden, orchard or meadow, of any perſon or perſons.

Juſtice may iſſue his warrant, &c.

III. AND BE IT ENACTED, That it ſhall and may be lawful for any juſtice of the peace of the county aforeſaid, on the complaint, on oath or affirmation, of any perſon or perſons through whoſe lands the ſaid roads may paſs, to iſſue his warrant to the ſheriff of the county, to ſummon all parties to be and appear on the premiſes of the complainant or complainants, to aſcertain, on oath, the damage ſuch perſon or perſons may have ſuſtained by ſuch roads; and the damage, when ſo aſcertained, to be paid by the perſons praying the ſaid roads, together with all coſt and charges ariſing on the ſame.

Roads to be 20 feet wide, &c.

IV. AND BE IT ENACTED, That the ſaid roads ſhall be ſurveyed, laid off, cleared, and made fit for travelling, twenty feet wide at the leaſt, at the proper coſts and expence of the ſaid petitioners; and when the ſame ſhall be viewed, examined and received, by two of the neighbouring juſtices of the peace, the ſaid juſtices ſhall certify the ſaid roads to the levy court of Caroline county, and thereafter the ſaid roads ſhall be recorded and deemed two of the public highways of the ſaid county, and be overſeen and repaired as other public roads thereof.

CHAP. XLIV.

Passed 3d of Jan. 1800.

ACT to incorporate a ſociety for the maintenance and education of poor female children, by the name of The Benevolent Society of the City and County of Baltimore. Lib. JG. No. 3. fol. 282.

Preamble.

WHEREAS the reverend Joſeph G. J. Bend, and the reverend John Ireland, aſſociate rectors of Saint-Paul's pariſh, in the city and county of Baltimore, and ſundry other perſons of the county of Baltimore, have aſſociated themſelves for the truly benevolent purpoſe of eſtaan inſtitution for the maintenance and education of poor female children, and by their petiheir general aſſembly repreſented, that their endeavours would be followed by more beneficial ances if the ſociety was inveſted with corporate powers: And whereas this general aſſembly s to give proper aſſiſtance to humane and benevolent inſtitutions, more eſpecially to thoſe r their object the inſtruction of youth, on which the virtue and happineſs of ſociety ſo much therefore,

Perſons incorporated, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the ſaid reverend Joſeph G. J. the reverend John Ireland, aſſociate rectors of Saint-Paul's pariſh aforeſaid, and their of their ſucceſſors, George Grundy, Nicholas Rogers, Henry Nichols, John Merryman and Clagett, and ſuch other male perſons as may from time to time hereafter unite with them benevolent deſign, and become contributors and ſubſcribers to the ſaid ſociety, ſhall be, and hereby declared to be, one community, corporation and body politic, for ever hereafter, by and ſtyle of The Benevolent Society of the City and County of Baltimore, and by that y ſhall be and are hereby made able and capable in law to have, purchaſe, receive, poſſeſs, retain, to them and their ſucceſſors, lands, tenements, rents, annuities, penſions, and reditaments, in fee-ſimple, or for a term of years, life, lives or otherwiſe, and alſo goods, and effects, of what nature, kind or quality ſoever, by the gift, bargain, ſale or deviſe, of or perſons, bodies politic or corporate, capable to make the ſame, and the ſame to grant, lien or diſpoſe of, in ſuch manner as they may judge moſt conducive to the benevolent and uſes of ſaid ſociety; provided nevertheleſs, that the ſaid corporation or body politic ſhall one time, hold or poſſeſs property, real, perſonal or mixed, exceeding in total value the een thouſand dollars.

Children to be under their control, &c.

AND BE IT ENACTED, That when any parents or guardians, or any orphans court, ſhall have female child or children in the before-mentioned inſtitution, they ſhall thenceforth be uncontrol and management of ſuch perſons as the ſociety may have appointed to manage their until they ſhall think fit to bind them out, which they are hereby empowered to do for any exceeding the period at which ſuch females ſhall have completed their ſixteenth year, any any law of this ſtate to the contrary notwithſtanding; provided, that nothing herein conconſtrued to abridge the ſecurity afforded to ſuch perſons by the law concerning appren-

They may ſue, &c.

AND BE IT ENACTED, That the ſaid ſociety, and their ſucceſſors, by the aforeſaid name, ſhall ver hereafter, able and capable in law to ſue and be ſued, plead and be impleaded, anſwer nſwered, defend and be defended, in all or any courts of juſtice whatſoever, and alſo ve and uſe, a common ſeal, and the ſame to break, alter and renew, at pleaſure, and alſo le and meet at ſuch times and places as they may agree upon, and by a majority of the thoſe attending to ordain, eſtabliſh, and put in execution, ſuch by-laws, ordinances and ns, as to them ſhall ſeem conducive to the intereſts of their inſtitution, and neceſſary to the vernment and orderly management thereof, the ſame not being contrary to the laws of this of the United States, and generally to do and execute all ſuch acts, matters and things, as hall or may appertain to do.

And meet in January, &c.

D BE IT ENACTED, That the members of ſaid corporation, and their ſucceſſors, may meet on the firſt Monday of January next, at the city of Baltimore, and on the ſame day annualer thereafter, or as ſoon after as may be, and then and there elect the officers of ſaid ſociety, ſuch rules and regulations, (not contrary to the laws and conſtitution of this ſtate, or the tates, as aforeſaid,) as may be neceſſary for carrying into effect the benevolent purpoſes of

CHAP. XLV.

Passed 3d of Jan. 1800.

An ACT to authoriſe and empower the levy court of Cæcil c to aſſeſs and levy annually a ſum of money for the ſupport of Maloy. Lib. JG. No. 3. fol. 284.

Preamble.

WHEREAS John Maloy, of Cæcil county, by his petition to this general aſſembly forth, that he is deprived of the uſe of his limbs by a ſtroke of the palſy, and has means of ſubſiſtence but what he receives from the labour of an aged and indigent mother, a an act may paſs to enable her to provide for his future maintenance out of the poor-houſe; facts ſtated in ſaid petition appearing to be true, therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Cæcil cou court ſhall be and are hereby directed and empowered, at their levy court annually, ſo long ſhall ſee cauſe, to aſſeſs and levy on the aſſeſſable property of ſaid county a ſum of money, no ing forty dollars, for the ſupport and maintenance of ſaid John Maloy, and that the ſame be annually by the collector or collectors of Cæcil county, and paid to ſuch perſon as the levy ſaid county ſhall or may direct.

CHAP. XLVI.

An ACT to explain the law reſpecting hawkers and pedlers. JG. No. 3. fol. 284.

Preamble.

WHEREAS doubts have ariſen whether perſons have a right to take goods, manuf themſelves or others within this ſtate, from place to place for ſale without licence had and obtained for that purpoſe,

Certain goods may be ſold, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That any perſon or perſons ſhall power and authority to take any dry goods, wares or merchandiſe, manufactured within thi any part of the ſtate for ſale, and may there ſell, barter or diſpoſe of the ſame, without an for that purpoſe,

CHAP. XLVII.

An ACT declaring a road leading to a fork of Conowago ro Baltimore county, a public highway. Lib. JG. No. 3. fol

Road declared public, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That all that road in Baltimore co ginning at a ſtone marked J. P. fixed on the weſt ſide of the Conowago road, on th John Price, and running thence to a ſtone marked A, thence ſouth, ſeventy-ſix degrees hundred perches, thence north, eighty-five degrees weſt, to a ſtone marked T. M. A. P. an thence weſt to the public road, being a fork of Conowago road, ſhall be and is hereby d public highway, and to be kept in repair as the other highways are in ſaid county.

CHAP. XLVIII.

* 1798, ch. 115.

An ACT to confirm an act, * entitled, An act to alter, aboli repeal, certain parts of the conſtitution and form of gover of this ſtate as therein mentioned, Lib. JG. No. 3. fol. 2

An act confirmed.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That an act paſſed at November ſe venteen hundred and ninety-eight, entitled, An act to alter, aboliſh and repeal, cert of the conſtitution and form of government of this ſtate as are therein mentioned, ſhall b ſame is hereby confirmed,

CHAP. XLIX.

* 1786, ch. 45.

A Supplement to an act, * entitled, An act to direct deſcents. JG. No. 3. fol. 285.

Preamble.

WHEREAS by an act of the general aſſembly, paſſed at November ſeſſion, one thou hundred and eighty-ſix, entitled, An act to direct deſcents, the county courts, or cellor, as the caſe may be, are authoriſed to appoint commiſſioners, either to divide, or

CHAP. XLIX.

e ſale in certain caſes, of the lands and real eſtates of perſons dying inteſtate, and no provi- pears to have been made for the payment of the expences of the ſaid commiſſioners, or the employed by them to ſurvey and lay off the ſaid lands when it may be deemed neceſſary: hereas it is expedient and proper that deeds of conveyance ſhould be executed and acknow- o purchaſers in thoſe caſes wherein it becomes neceſſary for the commiſſioners to make ſale nteſtates eſtates, as manifeſting the beſt evidence of their title in future times;

E IT ENACTED, *by the General Aſſembly of Maryland*, That the chancellor, or the reſpective courts, as the caſe may be, ſhall be and they are hereby authoriſed and empowered to allow commiſſioner, for every day he ſhall neceſſarily attend in the execution of ſuch commiſſion, a exceeding two dollars per day, and to the ſurveyor employed by them, (when neceſſary,) a exceeding four dollars per day for himſelf and chain-carriers, and ſuch other expences as y deem reaſonable and proper; all which allowances and expences, together with the fees on ng and return of ſuch commiſſion, ſhall be paid by the repreſentative or repreſentatives, as may be, applying for the commiſſion, when the lands or eſtate are divided, or by the repre- making his or her election to take the eſtate purſuant to the original act, and ſuch repre- or repreſentatives, as the caſe may be, may charge the other repreſentatives with their re- proportions of the whole ſum ſo paid, and each other repreſentative, or his or her guardian, obliged to repay or allow him his or her part thereof reſpectively; and in caſe the lands or all be ſold by the commiſſioners agreeably to the proviſions of the ſaid act, they ſhall then of the money ariſing from the ſale, the whole of the expences attending the execution of mmiſſion, to be allowed as above by the chancellor, or county courts.

Chancellor, &c. may make allowance to commiſſioners, &c.

ND BE IT ENACTED, That in all caſes of ſale made by the ſaid commiſſioners, after the ſame atified by the reſpective county courts, or chancellor, and the terms of ſale ſhall have been with by the purchaſer or purchaſers having paid the purchaſe money agreeably to the ſaid ſale, it ſhall then be the duty of the commiſſioners, or a majority of them, or the ſurvivors or of them, to make over unto the purchaſer or purchaſers, by deed duly executed and dged according to law, all the right, title, claim, intereſt and eſtate, of the deceaſed inteſ- e lands and premiſes ſold by them in virtue of their commiſſion, and the commiſſion, and gs thereon, ſhall be recited in the preamble of the reſpective deeds; and every ſuch deed corded within the time now limitted by law.

Who may make over lands, &c.

ND BE IT ENACTED, That when the eſtate of an inteſtate ſhall be ſold on a credit, bonds aken for the purchaſe money from the purchaſer or purchaſers by the commiſſioners, with f required, and made payable to each repreſentative reſpectively, according to his or her nal part of the net amount of ſales.

Bonds to be taken, &c.

D, whereas it may be beneficial to the parties concerned, either where a diviſion is adjudged e among the repreſentatives, or a ſale of the eſtate becomes neceſſary, that the widow's and to the ſame ſhould be previouſly aſcertained and laid off; BE IT ENACTED, That the ners ſhall be and they are hereby empowered and directed to aſcertain and lay off the dower in and to the lands and tenements of the inteſtate, by virtue of their commiſſion, y ſhall proceed to divide or value the ſame; and the ſaid commiſſioners ſhall make the ment and location of ſuch dower a part of their return to ſuch commiſſion; and the chan- the county court, as the caſe may be, ſhall determine thereon, and confirm or reject the n other caſes under the ſaid act.

Widow's dower may be laid off, &c.

OVIDED ALWAYS, AND BE IT FURTHER ENACTED, That in caſe of ſale of the inteſtate's by the commiſſioners, if the widow will conſent to the ſale of the whole eſtate, ſhe ſhall ſubſcribe her conſent in writing, and the ſame ſhall be filed with the clerk of the county with the regiſter in chancery, as the caſe may be, and thereupon the ſaid commiſſioners eed to ſell the whole real eſtate agreeably to the terms preſcribed to them, diſincumbered ht or title of dower, and in conſideration thereof the chancellor, or the county court, re- ſhall award to the widow ſuch proportion of the purchaſe money as he or they ſhall think uitable, not exceeding more than one ſeventh part, nor leſs than one tenth part of the net ſales, according to the age, health and condition of ſuch widow; and ſuch award of pay- be a ſufficient bar to all and every right or title of dower which ſuch widow may claim to and tenements of ſuch inteſtate.

Proviſo.

CHAP. L.

Passed 3d of Jan. 1800.

An ACT to regulate elections. Lib. JG. No. 3. fol. 287.

A Supplement ch. 76.

Persons named appointed commissioners, &c.

BE IT ENACTED, *by the General Assembly of Maryland*, That the persons herein after name be and they are hereby appointed and authorised, or a majority of them, or a majority survivors of them, in each county, commissioners to lay off the county for which they are ap

* 1798, ch. 115.

into the number of districts which by the act, * entitled, An act to alter, abolish and repeal, parts of the constitution and form of government of this state as are therein mentioned, such is divided into, carefully making the several districts as nearly equal as possible, having r population, extent, and the convenience of the voters; and each election district shall be n by said commissioners, and known thereafter by such number; and also to make choice of a each district, at which the elections shall be held, as nearly central as shall be practicable regard to the circumstances aforesaid, and the accommodation of persons attendant upon s tion; and the said commissioners shall, on or before the fifteenth day of July next, deliv clerk of the county court of their respective counties a description, in writing, under the and seals, specifying plainly the boundaries and number of each district, and also the place district where the election for such district shall be held, and the said clerk shall record the the records of the county.

Who shall meet, &c.

II. AND BE IT ENACTED, That the commissioners appointed by virtue of this act shall the usual place of holding the county court in their respective counties on the first Monday next, for the purpose of performing the duties imposed by this act, and the commissioner missioner so meeting may adjourn from time to time, and from place to place, until the completed.

County courts to meet, &c.

III. AND BE IT ENACTED, That the county court of each county shall meet between the day of July and the fifteenth day of August next, on such day as the judge of the district sh mine for each respective county in his district, and appoint three persons for each electio resident therein, who, or a majority, or any one of whom in case of the non-attendance of two, shall be the judges or judge of the election for such district from the time of their app until a new appointment; and the said court shall, every year thereafter, at their spring point judges as aforesaid in each election district for holding elections therein until displa new appointment; and the said judges, or such of them as shall attend the said election, sha servators of the peace during the continuance thereof, and shall have power and authorit serve the peace, and to commit offenders for any breach thereof, in like manner as any justi peace for such county; and in case any of the said judges shall die, resign, remove out of th or become otherwise in the opinion of said court disqualified to act as judge, the said court any meeting thereafter, appoint a person as judge in his place; and at every appointment or judges as aforesaid, the clerk of the county court shall record the same, and make out therefor; and the clerk shall, within five days thereafter, deliver every such warrant to the his county; and it shall be the duty of the sheriff, within ten days after receiving the deliver the same to the person or persons so appointed, or leave it at his or their last place under the penalty of fifty dollars on the clerk or sheriff respectively who shall neglect this

Two to be a quorum, &c.

IV. AND BE IT ENACTED, That any two or more judges of such court shall be a quorum the said appointments, but if only two judges shall meet, and not be able to agree on any or persons to fill the said appointments, then the said judges shall cast lots for a proper pers sons to fill said appointment, and he or they in whose favour the said lot shall fall shall be t or persons to be appointed judge or judges of the election for the district.

Penalty for neglect, &c.

V. AND BE IT ENACTED, That any judge so appointed, who shall not attend at nine the morning of the day for holding any election in his district, shall forfeit fifty dollars for e neglect, unless prevented by sickness, or other sufficient cause in the opinion of the court before whom the prosecution therefor shall be heard, tried and determined.

Warrant to go to the sheriff, &c.

VI. AND BE IT ENACTED, That in case of an election of delegates, or a delegate or a r tive in congress, to fill a vacancy, the warrant for such election shall go to the sheriff of t or counties where the election is to be held, who shall appoint the day for holding the same ten days notice at the least, (exclusive of the day of notice and the day of election,) shal by said sheriff, and the said sheriff shall serve a copy of the said warrant on each of the

ſtrict, at leaſt three days before the day appointed for holding ſuch election, under the penalty dollars for each and every neglect; and ſuch election ſhall be holden within fifteen days after warrant ſhall be received by the ſheriff to whom the ſame ſhall be directed.

AND BE IT ENACTED, That it ſhall be the duty of the ſheriff, under the penalty of fifty to provide for each diſtrict, and cauſe to be delivered to the judge or judges of the election, s to or at its commencement, two blank books, properly ruled for entering the votes, and if ſheriff's election, a box for receiving the ballots. Sheriff to provide books, &c.

AND BE IT ENACTED, That the judges of an election as aforeſaid ſhall appoint two clerks, bove the age of twenty-one years, to enter the names of the voters and the votes which ſhall ived, who ſhall make true entries thereof, under the penalty of fifty dollars for every falſe ilfully made; and the judges or judge as aforeſaid, ſhall hold the elections of delegates on the nday of October in every year hereafter; the elections of ſheriffs on the firſt Monday of Octo- t, and on the firſt Monday of October of every third year for ever thereafter; the elections tors of ſenate on the firſt Monday of September, eighteen hundred and one, and on the firſt y of September of every fifth year for ever thereafter; the elections of repreſentatives to con- n the firſt Monday of April, in the year eighteen hundred and one, and on the firſt Monday l of every ſecond year for ever thereafter; and the elections of electors of preſident and vice- nt of the United States on the ſecond Monday of November next, and on the ſecond Monday ember of every fourth year for ever thereafter, unleſs the congreſs of the United States ſhall ſe provide; and the judges or judge as aforeſaid ſhall hold the ſaid elections at the ſeveral erein before provided to be appointed, and the polls thereof ſhall be carried on without in- ion or adjournment, ſo that the whole ſhall be concluded in one day; and no vote nor ballot taken before the hour of nine in the morning, nor after the hour of eight in the evening. Judges to appoint clerks, &c.

AND BE IT ENACTED, That every judge of an election, before he proceeds to take or receive e, ſhall take the following oath, or affirmation, to wit: "I, A. B. do ſwear, or affirm, that l permit all perſons to vote who ſhall offer to poll at the elections now to be held for —— y, or —— city, who in my judgment ſhall, according to the directions contained in this law, he conſtitution and form of government, be entitled to poll at the ſame election, and that I ot admit any perſon to poll at the ſame election who is not in my judgment qualified to vote eſaid, and will in all things execute the office of judge of the ſaid elections according to the f my knowledge, without favour or partiality; ſo help me God;" that every clerk before he ny vote on the polls ſhall take the following oath, or affirmation, to wit: "I, A. B. do ſwear, rm, that I will well and faithfully, without favour, affection or partiality, execute the office erk of the election or elections now to be held, according to the beſt of my knowledge; ſo me God;" and the oath or affirmation of the clerks ſhall be adminiſtered by a judge of the , and the oath or affirmation of a judge ſhall be adminiſtered by a juſtice of the peace, or if ce be preſent to adminiſter the ſame, it ſhall be adminiſtered by a clerk of the ſaid election, ch clerk ſhall have been ſworn as aforeſaid, and a certificate of every ſuch oath or affirmation, y the perſon adminiſtering the ſame reſpectively, ſhall be annexed to the book of polls. And take an oath, &c.

ND, whereas by an act of aſſembly, paſſed at November ſeſſion, ſeventeen hundred and nine * the city of Baltimore is made a part of the fifth diſtrict of Maryland for the elections of ntatives to ſerve in the houſe of repreſentatives of the United States for ſuch diſtrict, and by paſſed at November ſeſſion, ſeventeen hundred and ninety-five, † the ſaid city of Baltimore is part of the fifth diſtrict of Maryland for the elections of electors for ſuch diſtrict to chooſe ident and vice-preſident of the United States; wherefore, BE IT ENACTED, That for all fu- ections of repreſentatives to ſerve in the houſe of repreſentatives of the United States, and tors to chooſe a preſident and vice-preſident of the United States for the diſtrict of Maryland h the ſaid city of Baltimore now is, or may hereafter be, made by any law of this ſtate a part, o for all future elections of delegates to the general aſſembly, and electors of ſenate for ſaid nd in all elections for ſheriff in the city of Baltimore as a part of the county of Baltimore, the y of Baltimore is hereby divided into the eight wards or diſtricts into which it is now divided mayor and city council of Baltimore for the chooſing of members of the firſt branch of the uncil of ſaid city, and the judges of the ſaid elections for the members of the firſt branch of y council of Baltimore aforeſaid, now appointed or hereafter to be appointed, from time to nder the corporation of the city of Baltimore, ſhall be the judges of the elections aforeſaid oſing a repreſentative to ſerve in the houſe of repreſentatives of the United States, and of to chooſe a preſident and vice-preſident of the United States for the city of Baltimore, as a part

* Chapter 62.

† Chapter 73.

City of Baltimore divided into diſtricts, &c.

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part of either of the districts of Maryland aforesaid, or as a part of any district which it such elections hereafter be made, and also of all future elections for delegates to the genera bly, or electors of senate, for said city, and of all future elections for sheriff in the city of Ba as a part of Baltimore county; and the said judges shall hold and conduct the said election several places prescribed by the ordinances of the city of Baltimore for holding the elec members of the first branch of the city council of said city, and shall in all other respects, as and manner of holding the said elections, and ascertaining and declaring the persons elected, and observe the several rules and regulations by this act prescribed to the several judges of e in the county districts aforesaid, in relation to similar elections, and conform themselves to t and constitution of this state in relation to said elections, and as to the persons whom they sh mit to vote at the same, and the mayor of the city of Baltimore shall give notice of such el and in any election as aforesaid hereafter to be made in the city of Baltimore to fill a vacan wherein it may be necessary to issue a new warrant, such warrant shall go to the said mayo shall appoint the day for holding the same, of which ten days notice shall be given, exclusive day of notice and the day of election.

Persons to vote in the district.

XI. AND BE IT ENACTED, That every person qualified to vote shall vote in the election in which he shall reside at the time of the election, and at no other place.

Persons to vote but once, &c.

XII. AND BE IT ENACTED, That if any person at any election having voted once, shall vote again in the same district or county, he shall be subject to a penalty of ten dollars for fence; or if any person shall offer to vote in any name not his own, or in the place of any ot son of the same name, or residing out of such district shall offer to vote therein, or residin the county shall offer to vote at any such election, he shall forfeit ten dollars; and if any pe siding out of this state shall offer to vote at any such election, he shall forfeit twenty dollars either case the offender may be immediately apprehended therefor by a warrant of a justic peace, or a judge of the election, issued in the name of the state, and shall be tried by such j judge respectively.

Penalty on voting twice.

XIII. AND BE IT ENACTED, That if any person shall vote twice at one election, he shall to a presentment in the county court of the county where he may reside, and may be fined ceeding forty dollars, and imprisoned not exceeding one month, in the discretion of the cou

Judges to cast up the votes, &c.

XIV. AND BE IT ENACTED, That it shall be the duty of the judges or judge as aforesai election, at the close thereof, in the several districts aforesaid, to cast up the amount of vo their respective polls, and to subscribe the same, and the same shall be attested by the clerks case of an election for sheriffs, the said judges or judge as aforesaid shall lock up and seal th box, in the presence of the clerks and others who may be attending, and the said box sha into the custody and charge of the acting or presiding judge.

Person first named to attend, &c.

XV. AND BE IT ENACTED, That on the second day after every election (except in cases tions of delegate or delegates to the general assembly, or electors of senate for the city of Ba in which cases of elections the judges shall meet on the day next succeeding the holding of sa tions,) it shall be the duty of the person first named in the appointment, who shall have acted at the close of the election of each district, under the penalty of five hundred dollars, to a the usual place of the sitting of the county court of such county, with the books of the po the ballot box, (in case of a sheriff's election,) and the said judges, when so assembled, shall the whole of the votes, or count the ballots (as the case may be,) of all the districts of such and determine who is or who are elected delegates, sheriff, or electors of senate, as the case and declare and return them duly elected in the manner now required of the sheriff or justice the constitution and form of government, and the books of the polls of every such election deposited with the clerk of their county for safe custody; and if at the time so appointed for sembling of the said judges, any of them should be prevented from attending, in every such judges or judge who shall assemble, may adjourn from day to day until the whole of the vote the ballots, of all the districts of such county, shall be collected together, and immediately th the said judges shall proceed to perform the duties before in this section required.

Judges to meet, &c.

XVI. AND BE IT ENACTED, That if it be an election for a representative in congress, or of president and vice-president, the said judges as herein before designated, shall, under the nalty, meet on the second day after every such election, at the usual place of the sitting of th ty court of their county, with the books of the polls as aforesaid, and shall cast up as aforesa

of the votes of the ſeveral diſtricts in their county, and make out, in writing, under their
nd ſeals, the number of votes for each candidate, and ſhall make return thereof as is now re-
of the ſheriff in like caſes; provided nevertheleſs, that where any county now is or hereafter
divided for the purpoſe of chooſing ſuch repreſentative or elector, and any part thereof is or
attached to any other county or counties for ſuch purpoſe, in every ſuch caſe the judges of
rict or diſtricts included within ſuch part of any county, and herein before deſignated for the
of aſſembling, ſhall aſſemble together at the court-houſe of ſuch county as herein before re-
with the books of the polls for ſuch diſtrict or diſtricts, and ſhall caſt up as aforeſaid the
of the votes thereof, and make out and return certificates in like manner as is herein before
for the judges of all the diſtricts of any other county, when aſſembled as aforeſaid; and pro-
viſo, that if at the time appointed for the aſſembling of the ſaid judges reſpectively, any of
all be prevented from attending with the books of the polls, the judge or judges who ſhall af-
may adjourn as aforeſaid until the whole of the votes ſhall be collected together as aforeſaid,
mediately thereafter the ſaid judges reſpectively ſhall proceed to perform the duties required
ſaid.

Fine for uſing force, &c.

. AND BE IT ENACTED, That if any candidate, or other perſon or perſons, ſhall practiſe
d violence, with intent to influence unduly, or to overawe, interrupt or hinder any election
ld in virtue of this act, every perſon ſo offending ſhall, on conviction thereof in the county
the county wherein ſuch offence ſhall be committed, ſuffer ſuch fine, not exceeding two
and fifty dollars, or ſuch impriſonment, not exceeding ſixty days, as the court in their diſ-
ſhall adjudge.

Penalty on candidates for bribery, &c.

I. AND BE IT ENACTED, That if any candidate, at an election to be held in virtue of this
ny other perſon or perſons whatever, ſhall give or beſtow, or directly or indirectly promiſe
r beſtow, any gift or reward to ſecure any perſon's vote or ballot at any ſuch election, or
p, or ſuffer to be kept, any houſe, tent, booth or other accommodation, in any part of any
t any time during the day of holding ſuch election, and before the cloſe thereof, at his or
ence, where any victuals or intoxicating liquors ſhall be gratuitouſly given or dealt out to
very ſuch candidate or other perſon ſo offending ſhall, on conviction thereof in the county
he county wherein ſuch offence may be committed, be fined, at the diſcretion of the court,
exceeding five hundred dollars, and ſuffer ſuch impriſonment as the court may adjudge, not
fix months.

Names to be inſerted, &c.

AND BE IT ENACTED, That when any voter ſhall offer to ballot for two perſons as ſheriffs,
nſert the names of both candidates upon one piece of paper, and if upon the final examina-
he ballots the judges of the election ſhall find any more names written on them than there
be, or any two or more tickets deceitfully rolled or folded up together, containing the
more than one candidate, or the name of one candidate more than once written, ſuch
ll be rejected and thrown away, and not accounted amongſt the ballots.

Names of commiſſioners.

ND BE IT ENACTED, That Henry Gardiner, George Plater, Charles Chilton, Richard Watts
amin Williams, of Saint-Mary's county, Oliver Smith, Iſaac Freeman, William Burneſton,
vil Hynſon and James Bowers, of Kent county, James Diſney, Leonard Sellman, Richard
, Philip Hammond, Dennis Griffith, Richard Harwood, ſenior, Charles A. Warfield, Thomas
gton and Samuel Harriſon, ſenior, of Anne-Arundel county, Nathaniel Dare, Michael Ta-
or, and Rezin Eſtep, of Calvert county, Alexander M'Pherſon, Benjamin Douglaſs, Caleb
, Samuel Jones and Joſeph Green, of Charles county, Richard Johns, Zachariah M'Cubbins,
nnington, William Gwynn, Nicholas Merryman, Francis Snowden, Charles Jeſſop, George
nior, and Beale Owings, of Chriſtopher, of Baltimore county, John Roberts, John Nabb,
Hayward, Peregrine Spencer and Samuel Dickinſon, of Talbot county, Henry James Car-
n Stewart and John Leatherbury, of Somerſet county, Moſes Lecompte, Robert Dennis,
ooper, Ezekiel Richardſon and William M. Robinſon, of Dorcheſter county, Henry Pearce,
Alexander, John Creſwell, Jacob Reynolds and Samuel Hogg, of Cæcil county, Thomas
, Richard Cramphin, Edward H. Calvert, John H. Beanes, Robert Bowie, Walter Bowie
ton Carr, of Prince-George's county, John Richardſon, John Brown, Stephen Miers, Philip
and James Brown, of Queen-Anne's county, Ephraim King Wilſon, Samuel Harper,
Dennis, Boaz Walſton and Levin Mitchell, of Worceſter county, John Gwinn, junior,
evenſon, Abraham Crapſter, William Murphy, junior, Samuel S. Thomas, George Baer,
harles Philpott, Frederick Stemple and William Emmitt, of Frederick county, Jeſſe Jarrett,
hompſon, John Bartley, Dennis Bond and Henry Vanſickle, of Harford county, Henry
Downes,

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Downes, Joſeph Richardſon, William Whitely, Thomas Hardcaſtle and Thomas Hughlett, o line county, Samuel Ringgold, William Hyſer, Henry Ankeney, Thomas Brent and Thomas ton, of Waſhington county, Daniel Reintzell, Hezekiah Veatch, Thomas Flitchall, John A and Thomas Davis, of Montgomery county, John B. Beall, David Hoffman, ſenior, William Jeſſe Tomlinſon, Thomas Stewart, George Robinet, of Nathan, and Daniel Fetter, of A county, be and they are hereby appointed commiſſioners, to lay off, deſignate and numb diſtricts in their reſpective counties, and to fix the place where the election ſhall be held diſtrict thereof.

How vacancies are to be filled, &c.

XXI. AND BE IT ENACTED, That if any of the commiſſioners named in this act ſhould r accept his appointment before the firſt day of April next, the governor and council are hereby riſed and directed to fill the vacancy; and if the ſaid commiſſioners, or any of them, ſho ſignify their refuſal to the governor and council before the ſaid firſt day of April, it ſhall be and taken as an acceptance of the appointment; and any commiſſioner not ſignifying his re aforeſaid, and failing to perform the duties impoſed by this act, ſhall forfeit and pay the ſum dollars; and that upon every appointment under the authority of the governor and coun perſon named by them ſhall be deemed and conſidered a commiſſioner within this act, unleſs notify, in manner aforeſaid, his non-acceptance within thirty days after he ſhall receive his ment; and if any commiſſioner appointed by the governor and council ſhall refuſe the appoi the governor and council ſhall appoint another, until ſome one ſhall be found to accept; a commiſſioner accepting under the appointment of the governor and council, ſhall be ſubje ſame penalty upon non-performance of duty as is impoſed upon commiſſioners originally n this act, to be recovered in the manner herein provided.

Compenſation to be made, &c.

XXII. AND BE IT ENACTED, That for all ſervices to be performed by virtue of this levy court of the county wherein ſuch ſervice ſhall be rendered ſhall make reaſonable comp out of the county levies.

How fines, &c. are to be recovered, &c.

XXIII. AND BE IT ENACTED, That all fines and penalties created and impoſed by this and may be recovered in the name of the ſtate, by indictment in the county court of th wherein the ſame ſhall accrue, and be applied, one half thereof to the uſe of the informer, other half to the uſe of the county, and it ſhall be the duty of the clerk of ſuch county annually to their levy courts a liſt of all fines and penalties recovered by virtue of this act.

Sections to be read, &c.

XXIV. AND BE IT ENACTED, That the third, fifth, ſeventh, twelfth, thirteenth, fifteent teenth, eighteenth and nineteenth ſections of this act, ſhall be openly and publicly read each place of holding the elections, by one of the judges thereof, at the time of commen ſame; and that the juſtices of the different county courts ſhall give this act in charge to t juries of their reſpective counties at the fitting of their court next after every election t therein.

CHAP. LI.

Paſſed 3d of Jan. 1800.

An ACT to repair the public gaol in Saint-Mary's county.

JG. No. 3. fol. 295.

Preamble.

WHEREAS it appears to this general aſſembly, that the public gaol in Saint-Mary's in ſo ruinous a ſituation that it is entirely unfit for uſe; therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy c Saint-Mary's county be and they are hereby authoriſed and empowered to aſſeſs and levy money, not exceeding two thouſand dollars, on the aſſeſſable property of the county afore the purpoſe of repairing the preſent, or building a new gaol in ſaid county; provided, that than the ſum of one thouſand dollars ſhall be levied in any one year.

And to contract, &c.

III. AND BE IT ENACTED, That the juſtices of the levy court aforeſaid be and they a authoriſed to contract with any perſon or perſons for the repairs of the ſaid gaol, in any they ſhall deem proper, or if the juſtices of the levy court aforeſaid ſhall be of opinion that be more to the advantage of the county aforeſaid to build a new gaol than to repair the old they are hereby authoriſed to contract with any perſon or perſons for building a new gaol, plan as they may think eligible, and to ſell at public ſale the materials of the preſent ga apply the money therefrom ariſing to building a new gaol, or otherwiſe, in their diſcretion, the materials thereof towards the foundation or other parts of the new building.

CHAP. LII.

CT to eſtabliſh the ſalaries of the judges of the court of appeals. Lib. JG. No. 3. fol. 295.

Paſſed 3d of Jan. 1800.

T ENACTED, *by the General Aſſembly of Maryland*, That each of the judges of the court of appls ſhall, for his ſalary, receive, from and after the firſt day of January next, the annual ſum houſand dollars, to be paid by the treaſurer of the weſtern ſhore in quarterly payments.

Salaries eſtabliſhed.

CHAP. LIII.

ACT to incorporate the Roman catholic congregation in Cob ck, in Charles county. Lib. JG. No. 3. fol. 295.

T ENACTED, *by the General Aſſembly of Maryland*, That the members of the congregation of the man catholic church in Cob Neck, in Charles county, from and after the paſſing of this act, and they are hereby created into, and declared to be, a body politic and corporate, in deed w, by the name, ſtyle and title, of The Truſtees of the Roman Catholic Church in Cob Neck, es county; and that they the ſaid truſtees, by the name aforeſaid, and their ſucceſſors, to d as herein after mentioned, ſhall have perpetual ſucceſſion, and ſhall be able and capable purchaſe, take, have, hold, receive and enjoy, to them and their ſucceſſors, in fee-ſimple, y leſſer eſtate, any lands, tenements and hereditaments, by grant, gift, bargain and ſale, , and alſo to purchaſe, take, hold, poſſeſs and enjoy, any monies, bank ſtock, ſtock of ed States, goods, chattels or perſonal property whatſoever, by giſt, grant or bequeſt; , that the lands which ſhall be acquired by, and veſted in, the ſaid corporation by virtue ct, ſhall not exceed the quantity of two hundred acres; and provided alſo, that the real ional property acquired by, and veſted in, the ſaid corporation, ſhall not exceed in the e yearly value of two hundred pounds current money of Maryland; and the ſame lands, s, hereditaments and perſonal property, to give, ſell, convey, or otherwiſe diſpoſe of, as hall ſeem meet, for the uſe of the ſaid religious ſociety; and alſo that the ſaid truſtees, by e aforeſaid, ſhall be able and capable in law to ſue and be ſued, implead and be impleaded, nd be anſwered unto, defend and be defended, in any ſuits or actions in all or any court ction within this ſtate; and that it ſhall and may be lawful for the ſaid truſtees, by the name to deviſe, make, have and uſe, one common ſeal to authenticate all and every the acts, d inſtruments, touching their buſineſs, and the ſame at pleaſure to break, alter and renew; rally, that the ſaid truſtees, by the name aforeſaid, ſhall have, hold and enjoy, all and ſin- rights, privileges, liberties and franchiſes, incident and belonging to a private or religious on or body politic, as fully and effectually as any other religious corporation or body politic ate hath right to have, hold and enjoy.

Members incorporated, &c.

D BE IT ENACTED, That the firſt truſtees of the ſaid corporation ſhall be and conſiſt of the perſons, to wit: The reverend Germain Bethuſy, paſtor of the ſaid congregation, James enior, John Lancaſter, John Neale, Henry Hamerſly, Benjamin Lancaſter, Thomas Jenkins cis Lancaſter, members of the ſaid congregation; and the future truſtees of the ſaid corpo- all be and conſiſt of the paſtor of the church for the time being, and five lay members of the tion of Roman catholics in Cob Neck aforeſaid, to be appointed and elected in the manner ter mentioned.

First truſtees appointed, &c.

ND BE IT ENACTED, That all and every of the members of the ſaid congregation, holding the church, and paying for the ſame, or otherwiſe contributing towards the ſupport of the rch, or the paſtor of the congregation, ſhall meet at their uſual place of worſhip on Mon- Whitſunday, in the year eighteen hundred, and on the Monday after Whitſunday in every eafter for ever, of which notice ſhall be given in the ſaid church at the cloſe of divine wor- e morning of the preceding Sunday, and then and there ſhall elect, by ballot, the ſaid five es, and the perſons ſo choſen ſhall be truſtees of the ſaid corporation until the next election, mes on ſuch election ſhall be declared by the paſtor, and entered in the books of the ſaid on for that purpoſe to be kept.

Members to meet, &c.

ND BE IT ENACTED, That it ſhall and may be lawful for the truſtees above named, and ceſſors, from time to time as occaſion ſhall require, to meet together for the purpoſe of g the buſineſs of the congregation under their care, of the time and place of which meet- notice ſhall be given to all the ſaid truſtees at leaſt two days before, and of which the paſtor reſident, if attending, and if four of the ſaid truſtees ſhall attend, they ſhall form a quorum

Truſtees may meet, &c.

or

CHAP. LIII.

or board, and shall have power, by a majority of voices, to make, ordain and establish, such orders and regulations, for the management of the temporal business, and disposing of the estate of the said corporation, as they shall judge proper; provided, that such rules, orders and regulations be not repugnant to the constitution and laws of this state.

Pastor, &c. may adjourn, &c.

V. AND BE IT ENACTED, That the pastor, or any member of the said corporation, shall have power and authority to adjourn from day to day until a quorum shall attend; and the said congregation are hereby authorised and empowered to appoint and employ a fit and proper person as clerk of the said corporation, whose duty it shall be to keep a fair and regular account of their proceedings, which shall be subject to the inspection of any of the members belonging to the said congregation.

CHAP. LIV.

Passed 3d of Jan. 1800.

An ACT to open a road from the turnpike road leading to Hanover, at or near the widow Mortar's tavern, to intersect York turnpike road at or near Benedict Hurst's tavern. Lib. No. 3. fol. 297.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Baltimore county, that they labour under great inconveniencies for want of a road from the main public road leading from the city of Baltimore towards Hanover, at or near the widow Mortar's tavern, and from thence by George Kerlinger's mill, and thence by Hoofman's grist and paper mills until it intersects the York turnpike road at or near Benedict Hurst's tavern; and it appears reasonable to grant the said petition,

Commissioners appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That George Nace, William Mc[illegible] and Joseph Bollinger, be and they are hereby appointed commissioners for the purpose in this act mentioned, and the said commissioners, or any two of them, are hereby authorised to lay out and mark the aforesaid, at the expence of the subscribers to said petition, a waggon road, in the most convenient direction, not exceeding thirty feet wide, from the turnpike road leading from the city of Baltimore towards M'Allister's-town, at or near the widow Mortar's tavern, to pass by the mill of George Kerlinger, and from thence by the paper mills of Peter Hoofman to intersect the turnpike road leading from Baltimore towards York-town, at or near Benedict Hurst's tavern; and the said road, when laid out and completed at the expence of the said subscribers, and after the valuations hereby directed to be made, or the damages hereby directed to be assessed, shall be paid, or secured to the individuals concerned, shall be recorded among the records of Baltimore county court, and be thereafter deemed and taken to be a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said county.

Who may appoint a treasurer, &c.

III. AND BE IT ENACTED, That the said commissioners may appoint one of their number treasurer, who is hereby enjoined and empowered to collect and receive all monies subscribed or that may be subscribed, for the purpose of laying out and clearing the said road, and such subscribers are hereby directed to pay their several subscriptions to the treasurer appointed as aforesaid; and if any person shall neglect or refuse to pay his subscription money, the said treasurer, or any of the commissioners in the name of the whole, may and is hereby authorised to sue for, recover and receive the same; and the said monies, when received, shall be applied by the said commissioners, or any two of them, to the purposes of this act.

Damages to be ascertained, &c.

IV. AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value the damages may be sustained by any person or persons through whose land the said road may pass by opening and clearing the same, and the said valuation shall be made before the said commissioners proceed to open and clear the same; and in case any proprietor or proprietors, or their guardian or trustee, shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for any justice of the peace for Baltimore county, on application by any person aggrieved, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon five freeholders, disinterested as to the said road, to appear, on a day by him to be appointed, on the land of the person making application as aforesaid; and the said freeholders shall respectively repair to some magistrate of the said county, and take the following oath, or affirmation, to wit: "I, A. B. do swear, or affirm, that I will honestly and faithfully estimate and value the "damage and injury sustained by C. D. by opening a road through the land of the said C. D. and the "suance of the directions of this act," and shall return the damages by them assessed to the

he peace; and the damages ſo aſſeſſed and returned ſhall be concluſive, and the party or par- whoſe favour the valuation aſcertained by the ſaid commiſſioners, or the damages aſſeſſed by freeholders, ſhall be made, ſhall be entitled to receive the ſame from the ſaid commiſſioners, ſaid commiſſioners ſhall pay, or ſecure to be paid, the amount of the ſaid valuation or damages eſpective parties entitled to receive the ſame, out of the monies to be raiſed and collected ſubſcriptions to the ſaid road, within the ſpace of ſix months after the aſcertainment of uation or damages, and before they ſhall proceed to affect the lands and tenements of the per- perſons concerned; provided, that the ſaid road ſhall not go through any houſes, gardens, or orchards, unleſs with the conſent of the owner thereof.

CHAP. LV.

CT to make permanent and to continue the acts of aſſembly rein mentioned. Lib. JG. No. 3. fol. 299.

Paſſed 3d of Jan. 1800.

Several acts continued.

ENACTED, *by the General Aſſembly of Maryland*, That an act, entitled, An act to oblige in- ed ſhips and other veſſels coming into this province to perform quarantine, paſſed at Novem- n, ſeventeen hundred and ſixty-ſix, (a) be and the ſame is hereby continued to the thirtieth ctober, eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall hereafter; that an act of aſſembly, entitled, A ſupplementary act to the act, entitled, An taining the height of fences, to prevent the evils occaſioned by the multitude of horſes, and g horſe-rangers within this province, and to redreſs the great evil accruing to this province ultiplicity of uſeleſs horſes, mares and colts, that run in the woods, paſſed at November eventeen hundred and ſixty-nine, (b) be and the ſame is hereby continued to the thirtieth ctober, eighteen hundred and five, and to the end of the next ſeſſion of aſſembly which ſhall hereafter; that an act of aſſembly, entitled, An act for amending and declaring the law in therein mentioned, paſſed at October ſeſſion, ſeventeen hundred and ſeventy-eight, (c) be ame is hereby continued to the thirtieth day of October, eighteen hundred and five, and to f the next ſeſſion of aſſembly which ſhall happen thereafter; that an act, entitled, An act o coſts in criminal caſes, paſſed at November ſeſſion, ſeventeen hundred and eighty-one, (d) e ſame is hereby continued to the thirtieth day of October, eighteen hundred and five, and d of the next ſeſſion of aſſembly which ſhall happen thereafter; that an act, entitled, An g to the fines to be impoſed on jurymen, witneſſes and conſtables, paſſed at April ſeſſion, hundred and eighty-two, (e) be and the ſame is hereby enacted into a permanent law; that titled, An act to encourage the deſtruction of wolves in Baltimore county, paſſed at Novem- n, ſeventeen hundred and ninety-*five*, (f) be and the ſame is hereby continued to the thir- of October, eighteen hundred and two, and to the end of the next ſeſſion of aſſembly that pen thereafter; that an act, entitled, An act to increaſe the fees of the examiner-general of ern ſhore, and the examiner-general of the eaſtern ſhore, paſſed at November ſeſſion, ſeven- dred and ninety-eight, (g) be and the ſame is hereby continued to the thirtieth day of Octo- teen hundred and five, and to the end of the next ſeſſion of aſſembly that ſhall happen r.

vember, 1766, ch. 25. (b) 1769, ch. 18. (c) October, 1778, ch. 21. (d) November, 1781, ch. 11. , 1782, ch. 40. (f) 1797, ch. 6. (g) 1798, ch. 114.

CHAP. LVI.

CT to eſtabliſh an academy at Eaſton, in Talbot county. . JG. No. 3. fol. 300.

Preamble.

EREAS the legiſlature, from a conviction that the eſtabliſhment and promotion of literary nſtitutions for the liberal education of youth in different parts of this ſtate would have be- effects, in training up and continuing a ſucceſſion of able and virtuous characters for diſ- the various offices and duties of public and private life, were pleaſed, at the laſt ſeſſion of to grant an annual donation of eight hundred dollars for the uſe of an academy to be eſta- Talbot county; and in order to promote the benevolent deſigns of the legiſlature, it is ne- o eſtabliſh the academy, and to incorporate the truſtees thereof, with ſufficient powers to e donation to the purpoſes intended, and to direct, manage and perpetuate the inſtitution;

An academy erected, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That there be erected, and hereby is nd eſtabliſhed, in the town of Eaſton, in Talbot county, in this ſtate, an academy for the ducation of youth in the vernacular and learned languages, and ſuch ſciences and branches

CHAP. LVI.

of learning as the truſtees and profeſſors thereof ſhall from time to time think it uſeful and ex to promote, for the benefit and advancement of the inſtitution; and the ſaid academy ſhall lated under the management, direction and government, of twelve truſtees, and be perpet the manner herein after mentioned.

Truſtees appointed, &c.

III. AND BE IT ENACTED, That John Edmondſon, Nicholas Hammond, Samuel Cham Thomas James Bullitt, William Hayward, Ennalls Martin, Stephen Theodore Johnſon, Pe ſon, John Roberts, Owen Kennard, John Coats and Hugh Sherwood, be and they are he pointed the firſt truſtees of the ſaid academy; and the ſaid truſtees, and their ſucceſſors, to ed in the manner herein after mentioned, ſhall be and they are hereby erected, eſtabliſhe clared to be, one community, corporation and body politic, with perpetual ſucceſſion, in de law, to all intents and purpoſes connected with the ſaid inſtitution, by the name and ſtyl Truſtees of the Academy at Eaſton, in Talbot County, by which name and title they, the tees, and their ſucceſſors, ſhall be competent and capable, at law and in equity, to take an to themſelves, and their ſucceſſors, for the uſe of the ſaid academy, any eſtate in any meſſuag and tenements, goods, chattels, monies or effects, by the gift, grant, bargain, ſale, convey viſe or bequeſt, of any perſon or perſons whatſoever, provided the ſame do not exceed in the clear yearly value of five thouſand dollars, and the ſame meſſuages, lands and teneme other eſtate, real or perſonal, to grant again, bargain, ſell, convey, aſſure, demiſe and to and put out on intereſt, or otherwiſe to diſpoſe of, for the uſe of the ſaid academy, in ſuc as to them, or a majority of them, ſhall ſeem moſt beneficial to the inſtitution, and to re rents, iſſues, profits, income and intereſt of the ſame, and to apply the emoluments there proper uſe and advancement of the ſaid academy.

How vacancies are to be filled.

IV. AND BE IT ENACTED, That all times for ever hereafter, when any vacancy or ſhall happen in the ſaid community of truſtees, by the death, reſignation or refuſal, of a more of the members thereof, or by the wilful neglect of any one or more of them to a ſucceeding ſtated meetings of the board of truſtees, the ſurviving or remaining truſtees, o rity of them, ſhall, with all convenient ſpeed, proceed to elect, by ballot, other ſenſible an perſon or perſons of the ſaid county be the truſtee or truſtees to ſupply the vacancy or occaſioned by the reſpective cauſes aforeſaid; and in ſuch manner ſhall all future vacanci plied by the ſaid truſtees, and their ſucceſſors, or a majority of them, ſo as to perpetuate ber of twelve perſons as truſtees of the ſaid academy for ever.

Truſtees may ſue, &c.

V. AND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, by the name aforeſaid, ſhall be capable in law to ſue and be ſued, plead and be impleaded, in any court and before any judge, juſtice or juſtices, within this ſtate and elſewhere, in all and all ſuits, complaints, pleas, cauſes, matters and demands, of whatſoever kind, nature or form and all and every other matter or thing to do therein, in as full and effectual manner as perſon or perſons, bodies politic or corporate, within this ſtate, or any other of the Unit in like caſes may or can do or perform; and the ſaid truſtees, and their ſucceſſors, or a m them, ſhall have full power and authority to have, make and uſe, one common ſeal, with ſuc and inſcriptions as they ſhall think proper, and therewith to paſs and authenticate the ce acts and orders, of the ſaid corporation, and the ſame ſeal, at their pleaſure, to break, renew.

Appoint profeſſors, &c.

VI. AND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, or a majority of th time to time, and at all times hereafter, ſhall have full power and authority to conſtitute an in ſuch manner as they ſhall think beſt and moſt convenient, profeſſors, teachers and aſſi inſtructing the ſtudents and ſcholars of the ſaid academy in the vernacular and learned l and ſuch ſciences and branches of education as they ſhall think proper and ſuitable to be tau in, and to make fundamental ordinances or regulations for the good government of the ſaid and the inſtruction of the youth as aforeſaid, and by theſe ordinances to appoint ſuch a their own body, not leſs than ſeven, as they may think proper, to be a quorum or com tranſacting all general and neceſſary buſineſs of the ſaid ſeminary, and making temporary the management thereof, and alſo by the ſaid ordinances to delegate to the profeſſors an ſuch powers and authorities as they ſhall think expedient for the ſtanding government and of the ſaid ſeminary, and the execution of the regulations of the ſame, and alſo by the ſaid o to make ſuch regulations for the direction, viſitation and examination, of the ſaid ſeminary ſtudents and ſcholars therein, as ſhall beſt promote the important objects of the inſtitution; always, that the ſaid ordinances be not repugnant to the conſtitution and the laws of this

CHAP. LVI.

Meet four times a year, &c.

AND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, or a majority of them, eet at leaſt four times in every year, in ſtated quarterly meetings, to be appointed by their rdinances, and at ſuch other times as by their ſaid ordinances, or by their own adjournments, y direct, and when ſo aſſembled they ſhall have power from time to time to appoint a preſident, er and ſecretary, to make contracts with the profeſſors or teachers relative to the inſtruction ſcholars to be placed under their care, and for the payment of their ſalaries, to examine the s of the ſtudents and ſcholars in their learning, to hear and determine on all complaints and , and upon all matters touching the diſcipline and government of the ſaid academy, and the ome execution of their ordinances, and generally to manage the eſtate and concerns of the minary in like manner as is uſually done for the advancement and advantage of ſimilar inſti-

And qualify, &c.

AND BE IT ENACTED, That before any truſtee herein before appointed, or hereafter to be ſhall proceed to execute the truſts and authorities delegated by this act, he ſhall qualify him- fore ſome magiſtrate, by taking an oath, or affirmation, as the caſe may be, that he will truly hfully execute and perform the duties of a truſtee of the ſaid academy, without partiality or e, according to the beſt of his ſkill and judgment, and agreeably to the directions of this act; ertificate of ſuch qualification ſhall be delivered by the magiſtrate, and be affiled among their ings.

Donation to be paid annually, &c.

AND BE IT ENACTED, That the ſaid donation ſhall be annually paid by the treaſurer of the ſhore for the time being to the order of the ſaid truſtees, and their ſucceſſors, or a majority , which order ſhall be manifeſted by the ſignature of the preſident, and the ſeal of the ſaid ion.

Proceedings to be reported, &c.

ND BE IT ENACTED, That the ſaid truſtees, and their ſucceſſors, or a majority of them, ſhall, fore the twenty-eighth day of November in each year, report their proceedings, and the ſtate cademy, to the general aſſembly, for their inſpection and examination; and this act of incor- , and every part thereof, and the proceedings of the truſtees in execution thereof, ſhall have law according to the true intent and meaning of the ſame reſpectively, and ſhall be con- puted and adjudged, in all caſes, moſt favourably on the behalf and for the benefit of the ees and their ſucceſſors, ſo as moſt effectually to anſwer the objects and deſign of this act he advancement and promotion of knowledge and virtue.

CHAP. LVII.

Paſſed 3d of Jan. 1800.

CT to authoriſe the laying out a public road from Thomas der Hill's mill, to interſect the road leading from John Neale's John Coxe's, in Harford county. Lib. JG. No. 3. fol. 303.

Preamble.

EREAS a public road leading from Thomas Under Hill's mill, to interſect the road lead- ng from John Neale's to John Coxe's, will be a great public convenience, and is eſſentially ; therefore,

Commiſſioners appointed, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That John Clendenny, Nathaniel Weſt, Butler, William Whiteford and Thomas Montgomery, be and they are hereby appointed oners to lay out a public road, beginning at Thomas Under Hill's mill, and to run in a ſo as to interſect a public road leading from John Neale's to John Coxe's, between Henry ion's and Amos Jones's; in laying out the ſaid road the ſaid commiſſioners are directed to view as well the diſadvantages which may reſult to individuals over whoſe land the ſaid run, as the convenience of the public, ſo as to lay out the ſaid road with as little injury to roperty as will comport with the public convenience.

A plot to be returned, &c.

ND BE IT ENACTED, That the ſaid commiſſioners are hereby further directed to return a aid road, ſo by them laid out, to the clerk's office of ſaid county, to be there recorded; and court ſhall, after the return of ſaid plot as aforeſaid, appoint a ſuperviſor or ſupervisors to ſame, and ſhall levy a ſum of money, not exceeding one hundred dollars, for that purpoſe; ſaid road, when opened as aforeſaid, ſhall be taken for, and it is hereby declared to be, a ad in ſaid county, and may be repaired as other public roads are repaired in ſaid county; nevertheleſs, that nothing herein contained ſhall authoriſe the ſaid commiſſioners to open oad, or the levy court to levy any ſum of money for that purpoſe, until the aſſent of every

CHAP. LVII.

perſon through whoſe land the ſaid road may paſs be firſt had and obtained, under the hand of ſuch perſon, and returned to the levy court aforeſaid; and provided alſo, that nothing herein tained ſhall in any manner authoriſe the ſaid commiſſioners to lay out the ſaid road throu land of any infant, or perſon *non compos mentis.*

Commiſſioners allowance.

IV. AND BE IT ENACTED, That the commiſſioners appointed in virtue of this act ſhall be e to an allowance of two dollars for every day they ſhall ſeverally attend in diſcharge of the herein impoſed.

CHAP. LVIII.

Paſſed 3d of Jan. 1800.

An ACT to provide for the adminiſtration of juſtice in caſes of c and miſdemeanors in the city and county of Baltimore. Lib. No. 3. fol. 304.

Governor to iſſue a commiſſion, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That the governor, with the advice a ſent of the council, be authoriſed and requeſted to iſſue a commiſſion of oyer and termi gaol delivery for the trial of all felonies and other crimes, offences and miſdemeanors, at a heretofore committed, or that hereafter may be committed, during the continuance of this Baltimore county and city, and not particularly by law directed to be tried in the general c one perſon of integrity, experience, and found legal knowledge, who ſhall be ſtyled in the co Chief Juſtice of the Court of Oyer and Terminer and Gaol Delivery for Baltimore County two other perſons of integrity, experience and knowledge, who ſhall be ſtyled in the co Aſſociate Juſtices of the ſaid court; and the ſaid chief juſtice and aſſociate juſtices ſhall ha commiſſion during good behaviour, and may be removed for miſbehaviour in the ſame manne chancellor or the judges of the general court may be removed agreeably to the conſtitution ſtate, and not otherwiſe; and after iſſuing ſuch commiſſion, all crimes, offences and miſde committed, or that may hereafter be committed, during the continuance of this act, in B county or city, and not particularly directed by law to be tried in the general court, ſhall heard and determined, before the ſaid three perſons, or any two or more of them, in court and each of the ſaid perſons ſhall be and is hereby conſtituted a juſtice of the peace, and ſh juriſdiction as ſuch within the ſaid county and city in all criminal caſes, during the time he in commiſſion; and in caſe of death, reſignation, or removal out of the ſaid county, of any of aſſociate juſtices, a new commiſſion ſhall iſſue to fill up the place of the perſon who ſhall die or remove out of the ſaid county; and no indictment found before the ſaid juſtices ſhall be to the general court at the inſtance of the party proſecuted, without the leave of the ſaid ju the ſpecial order of the general court, or ſome one of the judges thereof.

Cauſes, &c. to be heard, &c.

II. AND BE IT ENACTED, That on the commencement of this act, all cauſes, pleas, pro proceedings, relative to the trial of all felonies, and other crimes, offences and miſdemeano ever, depending in Baltimore city court, and Baltimore county court, at the expiration of entitled, An act reſpecting the criminal buſineſs of the city and county of Baltimore, November ſeſſion, ſeventeen hundred and ninety-eight, * ſhall be heard, tried and determine the juſtices appointed and commiſſioned in virtue of this act.

* Chapter 65.

Times for holding courts, &c.

III. AND BE IT ENACTED, That the times of holding the courts by the ſaid juſtices ſha preſſed in their commiſſion; and the ſaid courts, during the continuance of this act, ſhall b the ſecond Monday in January, on the firſt Monday in March and Auguſt, and on the third of November, of every year; and the clerk of Baltimore county court for the time being the clerk of the ſaid court, and ſhall make all entries, and tranſact all the buſineſs of the ſa in the ſame manner as he is now by law obliged to tranſact the buſineſs of the county cou ſaid county, and the Baltimore city court.

One juſtice may call court, &c.

IV. AND BE IT ENACTED, That any one of the ſaid juſtices ſhall have power to call the ſaid courts, and to adjourn the ſame from day to day, and one of the ſaid juſtices, in cou may empannel and charge the grand jury, and direct proceſs to iſſue on any preſentment ment found in the ſaid court, or on any petition or complaint exhibited to the ſaid court, an direct ſubpœnas to iſſue for witneſſes to attend the ſaid court, or attachments of contempt againſt witneſſes or jurors for non-attendance, and he may direct any witneſſes to be ſwo grand jury, and receive any preſentment or indictment from the grand jury, and take recog for the appearance of witneſſes, or any perſon preſented or indicted, and he may commit

esented or indicted for want of security; and any two of the said justices may adjourn the said o any time they may think proper.

Jurors to be summoned, &c.

AND BE IT ENACTED, That the sheriff of the said county for the time being shall summon ight good and lawful men of his county, six days before the day appointed for the holding of d court, as grand and petit jurors, and shall return a pannel of them accordingly; and every who shall be summoned, and shall neglect or refuse to appear at the day, and make default, fined by the said justices not exceeding ten pounds current money, to be applied as aforesaid; ery grand and petit juror shall have an allowance of one dollar and thirty-three cents for every ttendance, to be assessed and collected with the county assessment.

Commitments, &c. to be returned, &c.

AND BE IT ENACTED, That all commitments and recognizances for all felonies, and other offences and misdemeanors, committed in the said county, and triable in virtue of this act the said justices, shall be returned from time to time by any justice of the peace of the said taking such recognizance before the justices aforesaid, and any justice taking such recogni- all lodge the same with the clerk of the said court on the day next before the day appointed holding of the said court, and the offenders and witnesses bound in such recognizance shall ed to appear by virtue and according to the condition thereof.

Fine on witnesses for default, &c.

AND BE IT ENACTED, That any person summoned as a witness to attend the said court, and default, shall be fined by the justices aforesaid, in their discretion, not exceeding ten pounds money, to be applied as aforesaid, and on default of any witness, the said justices may award of attachment, and by virtue thereof the sheriff of the said county shall be obliged to have of such witness, and may compel his attendance, before the same justices.

Their allowance.

AND BE IT ENACTED, That it shall and may be lawful for the said justices to allow to rson legally summoned to give evidence before them one dollar for every day's attendance, uch witness resides out of the said county, the said justices may allow him for so many days charges as they shall think reasonable, at the rate of five shillings per day, and the same paid in the same manner as allowances to witnesses in criminal cases are or shall be by law to be paid.

Offences may be inquired into, &c.

ND BE IT ENACTED, That from and after the passage of this act, the trial and cognizance iminal offences, and other matters arising within the county and city of Baltimore, which retofore held, exercised and cognizable, by the court of oyer and terminer and gaol delivery more county, in virtue of an act of assembly passed at November session, seventeen hundred ty-three, * entitled, An act respecting the punishment of criminals, shall be inquired into, ried and determined, by the court by this act constituted, after the same shall take effect; always, that nothing herein contained shall be construed to lessen or impair the jurisdiction eneral court in any criminal matter wherein the said jurisdiction is concurrent with that of ty courts in this state.

* Chapter 57.

Compensation to chief justice, &c.

D BE IT ENACTED, That the said chief justice shall receive, as a compensation for his ser- the rate of three hundred pounds current money *per annum*, on condition he shall reside in or precincts of Baltimore; and in case the said chief justice shall not reside in the said city acts, then and in that case he shall only be entitled to receive at the rate of two hundred urrent money *per annum*; and the said associate justices shall each of them receive the sum of illings *per diem* for every day they shall attend in the courts respectively; and the compen- the said chief justice and his associates as aforesaid shall be levied and paid as heretofore in er prescribed by the act of assembly, entitled, An act respecting the punishment of crimi- ed at November session, seventeen hundred and ninety-three. *

* Chapter 57.

To be a common charge.

ND BE IT ENACTED, That all expences incurred in the execution of this act shall be a com- ge on the city and county of Baltimore, and levied as heretofore by the justices of the levy aid county.

Clauses, &c. continued, &c.

ND BE IT ENACTED, That all and singular the clauses, sections and provisions, contained passed at November session, seventeen hundred and ninety-three, entitled, An act respect- unishment of criminals, except such as shall herein after be repealed, and such as are incon- h this act, and except also such part thereof as are repealed by the operation of an act of passed at November session, seventeen hundred and ninety-six, * entitled, An act to erect Baltimore-

* Chapter 68.

CHAP. LVIII.

Baltimore-town, in Baltimore county, into a city, and incorporate the inhabitants thereof, are hereby continued until the thirtieth day of January, eighteen hundred and three.

Sections, &c. repealed, &c.

XIII. AND BE IT ENACTED, That all and every part of the twenty-third, twenty-fourth twenty-fifth sections of an act passed at November session, seventeen hundred and ninety-three entitled, An act respecting the punishment of criminals, and all and every part of an act passed November session, seventeen hundred and ninety-seven, (b) entitled, An act to separate the criminal business arising in the county and city of Baltimore, and all and every part of an act passed November session, seventeen hundred and ninety-eight, (c) entitled, An act respecting the criminal business of the city and county of Baltimore, be and the same is hereby declared to be repealed and void from the thirtieth day of January, eighteen hundred.

(a) Chapter 57. (b) Chapter 121. (c) Chapter 65.

Duration.

XIV. AND BE IT ENACTED, That this act shall be in force and have continuance until the thirtieth day of January, eighteen hundred and three.

CHAP. LIX.

Passed 3d of Jan. 1800.

An ACT to appoint commissioners to examine, survey and lay out the several roads therein mentioned. Lib. JG. No. 3. fol. 3

Preamble.

WHEREAS it appears, from the representation of the commissioners of review for Baltimore county, that the commissioners appointed by law to examine, survey and lay out, a road leading from Rister's-town, in said county, to the Pennsylvania line, in a direction to Hanover, and likewise the commissioners appointed by law to examine, survey and lay out, a road leading from the city of Baltimore, in a direction towards Liberty-town, in Frederick county, to the Pennsylvania line, at or near Philemon Barn's plantation, have not made such return as will enable the said commissioners of review to confirm either of the aforesaid roads, and that some of the said commissioners have, since their appointment, departed this life, and others have moved out of the county, and request that commissioners may be appointed to examine, survey, lay out and mark the same; therefore,

Commissioners appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Richard Johns, Henry Brannan, Thomas Gorsage, or any two of them, shall be and are hereby appointed commissioners, to examine, survey, lay out and mark, a public road from Rister's-town aforesaid towards Hanover-town to the line of Baltimore county, of the width of sixty-six feet, and on as streight a line as the nature of the country will permit; and the said commissioners are to consider not only the distance, but the situation and goodness of the ground on which the said road is to pass.

Commissioners appointed, &c.

III. AND BE IT ENACTED, That Moses Brown, Beale Owings, of Richard, and James Hall, or any two of them, shall be and are hereby appointed commissioners, to examine, survey, lay out and mark, a public road from the city of Baltimore, in a direction towards Liberty-town, to the Frederick county line at or near Philemon Barn's plantation, of the width of sixty-six feet, and on as streight a line as the nature of the country will permit, agreeably to the calls in the original bill that directs the laying out said road; and the said commissioners are to consider not only the distance, but the situation and goodness of the ground on which the said road is to pass.

Plots to be returned, &c.

IV. AND BE IT ENACTED, That the commissioners appointed to examine, survey and lay out the roads aforesaid, after they shall lay out and mark the same, are hereby directed to return the courses and plots thereof to the said commissioners of review, who are hereby authorised and required to view and examine the said roads, and thereafter to confirm, correct or alter, the same; and the said commissioners of review shall cause to be made out three fair plots and certificates of the said roads, containing the courses thereof, and such other description thereof as they may think necessary, and they shall sign their names to each plot and certificate, and return one plot and certificate to the clerk of Baltimore county, and another to the register of the city of Baltimore, to be by them respectively recorded, and the third to be retained by the said commissioners of review; and the said roads so laid out and confirmed, or corrected and returned as aforesaid, shall be deemed and afterwards held and adjudged in all courts of law or equity public roads and common highways.

Roads, if not reviewed, to be public, &c.

V. AND BE IT ENACTED, That in case the said commissioners of review shall not view and examine the said roads, and confirm, or correct and alter the same, so as finally to ascertain and fix the location of the said roads within six months from the return of the courses and plots thereof

ds ſo ſurveyed and laid out by the commiſſioners appointed by this act ſhall be taken, held and d, in all courts of law and equity, public roads and common highways, and ſhall as ſuch be d, made, amended and repaired, in the ſame manner as if the ſaid commiſſioners of review roved and confirmed the ſame.

How vacancies are to be filled.

AND BE IT ENACTED, That in caſe of the death, reſignation, diſqualification or refuſal to ny of the commiſſioners aforeſaid, the commiſſioners of review are hereby authoriſed and em- to make other appointments to fill up ſuch vacancy or vacancies, and re-appointments, if , from time to time, as often as occaſion ſhall require, until each of the ſaid roads ſhall be , plotted, returned and recorded, as aforeſaid.

Allowance to be made, &c.

AND BE IT ENACTED, That the commiſſioners of review are hereby authoriſed and empow- allow ſuch reaſonable compenſation, not exceeding two dollars per day, to the ſaid commiſ- and all others who may be employed in executing and carrying into effect the directions of except the ſurveyor, to whom the ſaid commiſſioners may, in their diſcretion, allow a com- n not exceeding four dollars per day.

Not to change former acts, &c.

AND BE IT ENACTED, That nothing in this act contained ſhall change, alter or repeal, any the act, (a) entitled, An act to lay out ſeveral turnpike roads in Baltimore county, or one , (b) entitled, An act to ſtreighten and amend the ſeveral public roads in the ſeveral coun- for other purpoſes therein mentioned, except the proviſion confirming the ſurveys and plots by the commiſſioners hereby appointed, in caſe the commiſſioners of review ſhall neglect to amine, and confirm or correct, and alter the ſame, and finally aſcertain and fix the location within the time therein mentioned.

(a) April, 1787, ch. 23. (b) 1790, ch. 32.

A ſurveyor to be appointed, &c.

ND, whereas it appears from the plot of the turnpike road leading from the city of Balti- wards York-town, in the ſtate of Pennſylvania, recorded in the clerk's office of Baltimore that there are two courſes with calls, without expreſſing diſtances; wherefore, BE IT , That the commiſſioners of review ſhall, on or before the firſt Monday in April next, ap- urveyor to ſurvey the ſaid road, and aſcertain the diſtances of the courſes in all caſes where es are expreſſed in the aforeſaid plot, and return the ſaid plot, when amended, to the clerk's Baltimore county, to be recorded as evidence of the true location of ſaid road.

CHAP. LX.

Paſſed 3d of Jan. 1800.

CT for the benefit of John Shewman, of Waſhington county.

JG. No. 3. fol. 309.

Preamble.

EREAS it is repreſented to this general aſſembly, that a negro man named Aleck, the pro- erty of a certain John Shewman, of Waſhington county, was, in the year ſeventeen hun- ninety-ſeven, committed to the gaol of Waſhington county, (on ſuſpicion of having com- rape,) that he made his eſcape therefrom, was retaken, and at the January term, in the thouſand ſeven hundred and ninety-eight, was indicted for the ſaid ſuppoſed offence, tried itted, but died within two days after his trial, in conſequence of having been froſtbitten s eſcape; and as it is reaſonable and proper that the ſaid John Shewman ſhould receive ſome tion for the loſs of his ſaid ſlave,

Money to be levied, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy court of on county ſhall be and they are hereby empowered and directed to aſſeſs and levy on the property of Waſhington county ſuch ſum of money, not exceeding two hundred dollars, as juſtices in their judgment may ſuppoſe the ſaid ſlave to have been worth, to be collected in er that other county charges are collected, and when collected, to cauſe the ſame to be paid d John Shewman, his executors, adminiſtrators or aſſigns, as the caſe may require.

CHAP. LXI.

CT for the puniſhment of horſe-ſtealers, and other offenders.

JG. No. 3. fol. 309.

Penalty for ſtealing horſes, &c.

ENACTED, *by the General Aſſembly of Maryland*, That all and every perſon and perſons who hereafter feloniouſly take or ſteal any horſe, mare, gelding, colt, jack, jenny or mule, is ſtate, and all aiders, abettors and acceſſories, either before or after the fact of any ſuch takers

CHAP. LXI.

takers or ſtealers, and all and every perſon and perſons who ſhall buy, take or receive, any horſe, mare, gelding or colt, jack, jenny or mule, knowing the ſame to be felonioufly taken or and ſhall be thereof convicted by confeſſion or verdict, or will not upon arraignment anſwer d according to law, or ſhall wilfully and of malice ſtand mute, or ſhall peremptorily challenge twenty of the jury, ſhall, for every ſuch offence or offences as aforeſaid, ſuffer death as a felon, out benefit of clergy.

And for burning ſhips, &c.

II. AND BE IT ENACTED, That any perſon or perſons who ſhall, after the publication of t maliciouſly, wilfully and deſignedly, burn any ſhip or other veſſel, ſloop, ſhallop or boat, of fev feet keel or upwards, whether laden or empty, and the aiders or abettors of ſuch offender or off being thereof convicted by due courſe of law, ſhall ſuffer death as a felon or felons, without of clergy.

Courts may paſs judgment, &c.

III. AND BE IT ENACTED, That the ſeveral courts of juſtice within this ſtate before who offender ſhall or may be convicted, may paſs ſuch judgment as the law requires for ſuch cri they may, in their diſcretion, adjudge any ſuch offender to ſerve and labour, agreeably to th tions of the act of aſſembly, entitled, An act for the more effectual puniſhment of criminals, at November ſeſſion, one thouſand ſeven hundred and ninety-three, (a)

(a) Chapter 57, the title of which is miſquoted.

CHAP. LXII.

Paſſed 3d of Jan. 1800.

An ACT to authoriſe and empower the juſtices of the levy cou Prince-George's county to pull down the repoſitory of the re of the regiſter of wills in ſaid county. Lib. JG. No. 3. fol.

Preamble.

WHEREAS it has been repreſented to this general aſſembly, by the juſtices of the lev of Prince-George's county, that the repoſitory in Marlborough is in ſo ruinous a c that it is with much difficulty the papers can be kept ſecure, and that the ſpot on which it the moſt eligible ſituation on which the new court-houſe can be erected, and that an office contained in the new court-houſe for the regiſter of wills; and they have prayed that a law m authoriſing the ſaid juſtices to pull down the repoſitory aforeſaid, ſell the materials of the ſa apply the money towards the erecting of a new gaol; and the prayer of the petitioners a reaſonable and juſt, therefore,

Repoſitory to be pulled down, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy Prince-George's county are hereby authoriſed and empowered to pull down, or cauſe to b down, the repoſitory of the regiſter of wills, ſell the materials of the ſame, and to apply th towards the erecting of a new gaol; and until an office ſhall be prepared in the new court-h the regiſter of wills of the ſaid county, the juſtices of the levy court be authoriſed and req provide a ſuitable apartment for the preſervation of the papers belonging to the ſaid office levy the expences thereof in like manner as other county charges.

CHAP. LXIII.

An ACT to lay out and open a public road in the upper p Queen-Anne's county. Lib. JG. No. 3. fol. 311.

Preamble.

WHEREAS ſundry inhabitants of Queen-Anne's county, by their petition to this ge ſembly have ſet forth, that they ſuſtain great inconvenience from the want of a pub from Richard Tilghman's, the fourth's, gate, ſtanding on the ſide of the main road leading from Hill to the Beaver Dams, in the upper part of Queen-Anne's county, to interſect the main ro ing from Church Hill to Sudler's croſs-roads, by Joſeph M'Conikin's, in ſaid county; theref

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Cornelius Comegys, Eliſha Thomas Seegar, Levi Sparks and John Brown Hackett, or any three of them, be and they ar appointed commiſſioners, to ſurvey, lay out and open, at the expence of the petitioners, a exceeding thirty feet in width, clear of ditches, from the gate of Richard Tilghman, th until it ſhall interſect the public road leading from Church Hill to Sudler's croſs-roads, by Joſep nikin's, in ſaid county; and a plot of the ſaid road, when ſo ſurveyed and laid out, ſhall be ret Queen-Anne's county court, to be recorded, and ſhall for ever thereafter be deemed and take public highway, and repaired and improved in the ſame manner as other public roads in ſaid

CHAP. LXIII.

Damages to be ascertained, &c.

AND BE IT ENACTED, That the said commissioners shall ascertain and value what damages e sustained by any person or persons through whose land the said road shall pass, and the same, o ascertained and assessed, shall be paid, or secured to be paid, by the said petitioners, before d commissioners shall proceed to open the said road; provided always, that if any person or through whose land the said road shall pass, or his, her or their guardian or trustee, shall e themselves aggrieved by such valuation and assessment of damages by the said commissioners, and may be lawful for the said commissioners, or any two of them, to issue their warrant to riff of the county, to summon twelve freeholders of the county, not interested in the premises, alified to serve as jurors in the county court, to appear on the premises, on a day by them to inted; and the said commissioners are hereby authorised to administer an oath to every person moned, that he will, without favour, affection, prejudice or partiality, assess the damages sus- by the person or persons at whose request such inquisition shall be taken, by reason of opening resaid road through his, her or their land; and the persons so summoned and sworn shall on proceed to value and assess the damages accordingly, of which the said petitioners, or e of them, shall have at least five days previous notice; and such inquisition shall be final and ve between the parties.

Not to go thro' buildings, &c.

AND BE IT ENACTED, That the said commissioners shall not lay out or open the said road the buildings, gardens, orchards or meadows, of any person without his or her consent.

CHAP. LXIV.

Passed 3d of Jan. 1800.

ACT to lay out certain roads from Andrew Gore and James Cooper's mill, in Baltimore county. Lib. JG. No. 3. fol. 312.

Preamble.

WHEREAS it appears by the petition of Andrew Gore and James Cooper to this general assembly, that they labour under great inconvenience for want of a road from their mill to the ding from Elias Brown's plantation to Elk-Ridge Landing, and a road from the said mill to the old road leading from the city of Baltimore to Frederick-town, at or near John Cord's ith's shop, in Anne-Arundel county; and this general assembly thinking the prayer of said reasonable,

Commissioners appointed, &c.

IT ENACTED, *by the General Assembly of Maryland*, That Thomas Buiseman, Orlando G. Johnsa Dorsey, Vachel Dorsey, of Vachel, and Henry Cord, or any three of them, be and hereby appointed commissioners to survey, lay out and open, at the expence of the said An- re and James Cooper, a road, not exceeding thirty feet wide, in such direction as the situa- e ground will admit, from Andrew Gore and James Cooper's mill, in Baltimore county, to the road leading from Elias Brown's plantation to Elk-Ridge Landing, and to lay out a the said Gore and Cooper's mill to intersect the old road leading from the city of Baltimore ick-town, at or near John Cord's blacksmith's shop, in Anne-Arundel county, and the said hen so surveyed, laid out and opened, and the valuation herein after directed to be made e taken place, shall be recorded in Baltimore county court, and shall be deemed and taken lic roads for ever thereafter; provided, that nothing herein contained shall be construed to the levy courts of Baltimore and Anne-Arundel counties to apply any part of the money said counties to the repairs of the said roads, or of either of them.

Damages to be ascertained, &c.

ND BE IT ENACTED, That the said commissioners shall ascertain and value what damages stained by any person or persons through whose land the said road shall pass, and the same, ssessed, shall be paid, or secured to be paid, by the said petitioners, before the said commis- all proceed to open the said roads; provided always, that if any person or persons through nd the said roads shall pass, or his, her or their guardian or trustee, shall conceive them- grieved by such valuation and assessment of damages by the said commissioners, it shall and wful for the said commissioners, or any two of them, to issue their warrant to any sheriff of y, to summon twelve freeholders of the county, not interested in the premises, and quali- ve as jurors in the county court, to appear on a day by them to be appointed on the pre- d the said commissioners are hereby authorised to administer an oath to every person so , that he will, without favour or affection, prejudice or partiality, assess the damages sustain- person at whose request such inquisition shall be taken, by reason of opening the aforesaid ough his, her or their lands; and the persons so summoned and sworn shall thereupon pro- ess and value the damages accordingly, of which the said petitioners shall have had at least previous notice; and such inquisition shall be final and conclusive between the parties.

CHAP. LXIV.

Not to go thro' buildings, &c.

IV. AND BE IT ENACTED, That the ſaid commiſſioners ſhall not lay out or open the ſa through the buildings, gardens or orchards, of any perſon without his or her conſent.

CHAP. LXV.

Paſſed 3d of Jan. 1800.

An ACT to enlarge the powers of the truſtees of the poor i ſeveral counties therein deſignated. Lib. JG. No. 3. fol. 3

Truſtees may keep out-penſioners, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall and may be lawful for t tees of the poor in the ſeveral counties of this ſtate in which poor-houſes have been eſta and they are hereby authoriſed and empowered, in their diſcretion, to keep any number penſioners, not exceeding ten in any one county at one time, and to allow each of ſuch penſio annual penſion, not exceeding thirty dollars, to be paid at ſuch time or times as they ſhall provided, that no perſon ſhall be ſupported as out-penſioners except thoſe whoſe peculiar ſtances may render a ſituation in the poor-houſe particularly unſuitable for them.

Duration.

II. This act to continue and be in force for three years, and no longer.

CHAP. LXVI.

An ACT to authoriſe certain commiſſioners to lay off a to Prince-George's county, by the name of Van's-Ville. Lib No. 3. fol. 313.

Preamble.

WHEREAS it is repreſented to this general aſſembly, that Gabriel Peterſon Van- laid off a parcel of his lands in Prince-George's county for a town, and called the the name of Van's-Ville, and that certain perſons are diſpoſed to purchaſe lots, and make ble improvements thereon; that it would greatly conduce to the proſperity and advanta ſaid town, and ſecure the title of purchaſers to lots in the ſame, if commiſſioners were app ſurvey, lay out and perpetuate the boundaries of lots throughout the ſaid town, and inve powers to ſuperintend and regulate the ſame.

Commiſſioners appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That Thomas Snowden, junio Lukins, Richard Walker, John Macgill and Archibald Van-Horn, or any three of the are hereby appointed commiſſioners, to ſurvey, and lay out into lots, all that parcel of la fore ſurveyed by the ſaid Gabriel Peterſon Van-Horn, and the ſame, when ſurveyed, to la lots, ſtreets, lanes and alleys; and the ſaid commiſſioners, or a majority of them, are hereb within the ſpace of twelve months after completing the ſaid ſurvey, and locating the ſame ſtreets, lanes and alleys, as aforeſaid, under the penalty of one hundred dollars on each c commiſſioners for neglecting this duty, to make, or cauſe to be made, a correct certificat of the ſaid ſurvey, and of the reſpective lots, ſtreets, lanes and alleys, located thereon, and arranging the ſaid lots in numerical order, and the ſaid ſtreets, lanes and alleys, b ſpective names, and certifying the metes and bounds of each of the ſaid lots, ſtreets, lanes reſpectively, and to return the ſame into the office of the clerk of the ſaid county, to recorded among the land records of the ſaid county, at the proper coſt of the ſaid Gabrie Van-Horn, and to be ſecurely kept therein; and the ſaid certificate and plot, or an of thereof, or of any part thereof, ſhall at all times hereafter be ſufficient evidence of the ſtreets, lanes and alleys, and of the reſpective metes and bounds thereof.

Lots to be bounded, &c.

III. AND BE IT ENACTED, That the ſaid commiſſioners, or a major part of them, ſha the lots in the ſaid town to be ſubſtantially and fairly bounded and numbered, and from ti hereafter ſee that the ſaid boundaries be kept up and preſerved.

How vacancies are to be filled.

IV. AND BE IT ENACTED, That on the death, removal or reſignation, of any of the ſa ſioners, the major part of the remaining commiſſioners ſhall appoint another to ſerve in t ſuch commiſſioner ſo dying, removing or reſigning.

Commiſſioners to employ a clerk, &c.

V. AND BE IT ENACTED, That the commiſſioners of the ſaid town, or a major part of have full power to employ a clerk, who ſhall be under oath fairly and honeſtly to enter to be kept for that purpoſe, of the ſaid commiſſioners relating to ſaid town, in which b other things, ſhall be kept a fair plot of the ſaid town, deſcribing every lot by its numbe the taker up or purchaſer was or ſhall be; and the ſaid books ſhall always be open to th and examination of the ſaid commiſſioners.

CHAP. LXVI.

AND BE IT ENACTED, That the ſaid commiſſioners, or a major part of them, are empowered y, aſſeſs and take, by way of diſtreſs, if needful, from the holder or holders of any lot or lots ſaid town, by even and equal proportion, a ſum not exceeding twenty dollars yearly, to be their clerk, and alſo they ſhall have power to remove or diſplace their clerk, and appoint r whenever they ſhall think proper. Levy money, &c.

AND, whereas it may happen that perſons holding lands adjoining the land laid out as aforeay be deſirous to have ſome part of their land laid out and annexed to the town aforeſaid, ENACTED, That the ſaid commiſſioners ſhall be and they hereby are authoriſed and empowered nde in their ſurvey of the ſaid town all ſuch parcels of land as may be laid out by the propri- thereof for that purpoſe, provided that the ſaid commiſſioners ſhall deem it for the advantage ſaid town, and the land be laid out for that purpoſe by the proprietors thereof before the firſt March next. And include other lands, &c.

AND BE IT ENACTED, That the parcel of ground ſo as aforeſaid laid out by the ſaid Gabriel n Van-Horn, and any ground which the ſaid commiſſioners ſhall annex, when ſurveyed by the mmiſſioners, ſhall be for ever hereafter called and known by the name of Van's-Ville; ſaving eleſs to all perſons not mentioned in this act their ſeveral and reſpective rights. Ground to be called Van's-Ville.

CHAP. LXVII.

upplement to the act, * entitled, An act to erect a town in albot county. Lib. JG. No. 3. fol. 315.

Paſſed 3d of Jan. 1800.
* 1785, ch. 32.

HEREAS it is repreſented to this general aſſembly, that although the commiſſioners appoint- ed in and by the original act to which this is a ſupplement, did proceed to ſurvey and lay off nd deſcribed therein, and to divide, locate, mark and bound the ſame into lots, ſtreets, lanes ys, and to reſerve and ſell the ſame reſpectively in the manner and under the authority pre- and given by the ſaid original act, yet the ſeveral proceedings of the ſaid commiſſioners have een arranged, nor the plot nor certificates of the ſaid ſurvey, nor of the lots, ſtreets, lanes ys, been lodged with the clerk of Talbot county, nor recorded in his office, as required by act: And whereas three of the ſaid commiſſioners, and the clerk and ſurveyor employed by re deceaſed, and doubts may be reaſonably entertained whether the two ſurviving commiſ- have now a power to complete the duties which the original commiſſioners were bound to , and the ſecurity of purchaſers and owners of lots in the ſaid town may be greatly affected the aid of the legiſlature; therefore, Preamble.

E IT ENACTED, *by the General Aſſembly of Maryland*, That Hugh Sherwood, of Huntington, eenbury Goldſborough, the ſaid ſurviving commiſſioners, be authoriſed and empowered, and e hereby required, on or before the firſt day of April next, under the penalty of one hundred on each of them for the neglect of this duty, to deliver, or cauſe to be delivered, unto the commiſſioners of the town of Eaſton, in the ſaid county, all and ſingular the memorandums, ertificates, papers and proceedings, relating to the ſaid town, as made, entered or minuted, commiſſioners named in the ſaid original act, and by the ſurveyor and clerk employed by them ng off the ſaid town and entering the proceedings concerning the ſame; and the preſent ioners of the ſaid town, upon receiving the ſame, ſhall require the attendance of the ſaid herwood and Greenbury Goldſborough on ſome convenient day or days to be by them ap- , and in their preſence and with their information and aſſiſtance, ſhall carefully proceed to , inſpect and adjuſt, the ſaid memorandums, plots, certificates, papers and proceedings, and ſe the ſame to be truly and faithfully recorded in a well bound book to be provided by them purpoſe, and when the ſame ſhall be ſo recorded and completed, the preſent commiſſioners ſaid town, and the ſaid Hugh Sherwood and Greenbury Goldſborough, ſhall certify and ſub- e ſame; and the ſaid book ſhall immediately thereafter be depoſited in the office of the clerk ot county, and be received and ſecurely kept by him and his ſucceſſors as a record book of county. Memorandums, &c. to be delivered, &c.

CHAP. LXVIII.

rther act to eſtabliſh and confirm certain acts done by perſons lding offices of truſt or profit under the government of the ited States. Lib. JG. No. 3. fol. 316.

HEREAS perſons in ſeveral of the counties of this ſtate have continued to hold and exerciſe certain offices therein under the government of this ſtate, after having accepted offices of Preamble.

CHAP. LXVIII.

profit or truſt under the government of the United States, and doubts are entertained as to t lidity of acts done under their authority; therefore,

Acts done declared valid, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That if any perſon holding, or held, an office of profit or truſt under the government of the United States ſince the twenty- day of December, in the year one thouſand ſeven hundred and ninety-two, hath acted, or ſha acted at the ſame time, as an officer under the government of this ſtate, in every ſuch caſe ſingular the act and acts done, performed or executed, by or before ſuch perſon, by virtue official authority under this ſtate, and within the proper limits of his juriſdiction, ſhall be ſame are hereby declared valid and effectual to all intents and purpoſes, in like manner as officers, at the time of doing or performing ſuch acts, had not held any office of profit or tru the government of the United States.

Penalty for executing certain powers, &c.

III. AND BE IT ENACTED, That if any perſon having accepted and holding any office of p truſt under the government of the United States, or whoſe office under this ſtate ſhall be vac the late proviſions of the conſtitution and form of government of this ſtate, ſhall, after the of March next, exerciſe, perform or execute, any of the powers or duties of any office un authority of this ſtate, every ſuch perſon ſhall forfeit and pay a ſum not exceeding one hund lars for every offence, to be recovered by indictment in the county court of the county wher offender ſhall reſide, and moreover ſhall be anſwerable for all damages which may be ſuſt any other perſon by reaſon or in conſequence thereof, to be recovered by a ſpecial action caſe.

CHAP. LXIX.

Paſſed 3d of Jan. 1800.

An ACT to enable the juſtices of Anne-Arundel county co licenſe and regulate a public ferry over South river, in ſaid co

Lib. JG. No. 3. fol. 316.

Preamble.

WHEREAS a road has been laid out by law from the city of Annapolis to the city o ington, and a public ferry is about to be erected at a convenient place over Sou where the ſaid road croſſes,

Licence may be granted, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of Anne-Arun ty court may, at their diſcretion, grant a licence for regulating the ſaid ferry as a county in their opinion it will be for the benefit and advantage of ſaid county.

CHAP. LXX.

An ACT relating to the public roads in Queen-Anne's c

Lib. JG. No. 3. fol. 317.

Preamble.

WHEREAS the preſent laws relating to the public roads in Queen-Anne's county a inadequate to the purpoſes for which they were intended; therefore,

Juſtices to levy money, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the juſtices of the levy Queen-Anne's county, or a majority of them, at their annual meeting at the time for hol levy court at the court-houſe in Centre-Ville, ſhall levy, by equal aſſeſſment, on the aſſeſ perty within the ſaid county, a ſum of money not exceeding three ſhillings on every hundr of aſſeſſable property, to be collected as other county taxes, and paid to the juſtices of the le or to their order, and ſhall be applied towards ſtreightening, amending and keeping in re public roads in the ſaid county; and the ſaid juſtices, or a majority of them, ſhall have p and authority to appropriate the funds ariſing from the ſaid tax to the public roads in the ſai and ſhall apportion the ſame in juſt proportions among all the public roads of the ſaid count ing the ſituation and quantity of labour neceſſary for the improvement of ſuch roads.

Roads to be deſcribed, &c.

III. AND BE IT ENACTED, That the juſtices of the levy court for the county aforeſaid, jority of them, when ſo met together as aforeſaid, ſhall be and they are hereby authoriſ quired to deſcribe, aſcertain, and diſtinctly record in a well bound book to be provided by that purpoſe, the ſeveral and reſpective public roads in the ſaid county, and to nominate an by warrant under the hand of the clerk, and ſeal of his office, capable and proper perſons viſors of the ſeveral and reſpective roads aforeſaid, according to the number and diviſions

as the ſame ſhall be aſcertained upon their records; provided nevertheleſs, that the ſaid roads be ſo apportioned, divided and deſcribed, as not to require a greater number of ſupervifors than any one hundred of the ſaid county; and that the ſaid juſtices, or a majority of them, may adfrom day to day until the ſaid roads ſhall be duly aſcertained, and ſupervifors appointed as aid; and every ſupervifor ſo appointed ſhall give bond to the ſtate of Maryland, with ſuch ſeas ſhall be approved of by the ſaid juſtices, in ſuch ſum or penalty as the ſaid juſtices ſhall refor the performance of his duty.

How vacancies are to be filled.

AND BE IT ENACTED, That if any ſupervifor or ſupervifors already appointed, or to be apd, ſhall refuſe to act, or remove out of the diſtrict, become diſqualified, or die, it ſhall and e lawful for any two of the neighbouring juſtices of the peace to ſupply every vacancy ſo hap, by the appointment of another perſon, who ſhall give bond as aforeſaid, with ſuch ſecurity, ſuch penalty, as ſhall be approved of by the aforeſaid juſtices of the peace, and they ſhall cerery ſuch appointment, under their hands, to the clerk of the county, who ſhall record the and within ten days thereafter ſhall iſſue a warrant to the perſon ſo appointed, and deliver the o the ſheriff, to be ſerved upon the party in the ſame manner, and under the ſame penalty, as d in ſuch caſe by this act.

Juſtices may eſtabliſh rates, &c.

AND BE IT ENACTED, That the juſtices of the levy court ſhall, at their annual meeting under t for the regulation of the conduct of the ſupervifors, fix and eſtabliſh reaſonable rates for the labourers, horſes, carts, waggons or other carriages, to be worked or uſed on the public of the ſaid county, and ſhall publiſh the ſame in every hundred of the ſaid county; and each of ervifors are hereby authoriſed and empowered to hire and employ, if neceſſary, at reaſonable not exceeding ſuch wages as ſhall be eſtabliſhed under the regulations before recited, a ſuffiumber of labourers to work on the public roads, and to hire and employ horſes, carts, wagr other convenient carriages, for the purpoſe of carrying earth, gravel, ſtones, timber, or eavy articles neceſſary for making, amending and keeping in repair, the ſaid roads, bridges ifeways.

Make out liſts, &c.

AND BE IT ENACTED, That the juſtices of the levy court ſhall, at every ſuch meeting, make inct liſts of all the taxable inhabitants within the ſaid county, together with the amount of d taxes, and furniſh the collector of the county with copies thereof within ten days after eting.

On application appoint perſons, &c.

AND BE IT ENACTED, That when the ſaid juſtices ſhall meet in ſeſſion at their levy court, r a majority of them, ſhall, on application in writing, ſigned by two thirds of the inhabitants hundred through which any roads paſs, to widen and ſtreighten any old road laid out as a pubd, ſhall appoint three diſcreet perſons, freeholders in the ſaid county, as commiſſioners, not any part of the lands through which the ſaid road or roads may paſs, nor related to the perperſons holding the land that may be affected by the running of the ſaid roads, to view, furplot, the ſaid road ſo applied for, and make a return thereof to the ſaid court at their next , who, on receiving ſuch plot or plots, ſhall examine the ſame, and all the evidence that ſhall be offered for or againſt the ſaid road or roads, as returned, and may reject or confirm the s a public road, or may direct the ſaid commiſſioners to alter and amend the ſaid plot, and amended, may reject or confirm the ſame, and when confirmed, ſhall accordingly direct the ioners to mark and bound the ſaid road or roads, not exceeding thirty feet in width, clear of and direct a ſupervifor or ſupervifors to clear and improve the ſame, in the ſame manner, the ſame terms, as other roads, and upon completing the ſame, it ſhall be deemed a public d be kept in repair as all other public roads in ſaid county are by this law directed; provided, tice be ſet up in writing, by advertiſement, at leaſt three weeks, in the moſt public places in ndred or hundreds, by ſome one inhabitant or inhabitants thereof, (previous to their offering on or petitions,) declaring their intention to apply to the juſtices of the levy court for the s aforeſaid.

And agree for damages, &c.

AND BE IT ENACTED, That whenever any old road ſhall be altered in its breadth or direcforeſaid, the juſtices aforeſaid may agree with the perſons over whoſe land ſuch road or roads s for the amount of the damages ſuſtained, but if no agreement be made, they ſhall iſſue their directed to the ſheriff of the ſaid county, commanding him to ſummon and return a jury of good and lawful men of the ſaid county, not intereſted or related to the party or parties, to appear before one of the ſaid juſtices on the premiſes, at a certain day in the ſaid warrant to eſſed, which jury, on their oath or affirmation, ſhall inquire who is or are the owner or owners

of

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of the land over which any road or roads ſo widened or laid out ſhall paſs, and what damages owner or owners will actually ſuffer from the paſſage of ſuch road or roads over the ſaid land ſaid jury taking into conſideration all conveniencies and inconveniencies, advantages and diſa tages, if any, ariſing thereby or therefrom, by the improvement of ſaid road, and the ſheriff return the inquiſition of the jury aforeſaid, under his hand and ſeal, to the next levy court, an amount of damages therein expreſſed, if any, ſhall be paid by order of the ſaid court out of th nies to be levied as aforeſaid, but no road ſhall be made to run through any building, enclоſed garden, meadow or orchard, without the conſent of the owner, nor ſhall any field in which hemp, flax, tobacco, or other cultivated articles are growing, be laid open until after the ſeaſ collecting and ſecuring the crop growing in ſuch field.

Warrants to be made out, &c.

IX. AND BE IT ENACTED, That the warrants ſhall be made out for the ſupervиſors by the of the ſaid county, and by him delivered to the ſheriff of the county within ten days after the be ordered by the ſaid court, under the penalty of fifteen dollars for each warrant ſo order not delivered by the clerk, and the like penalty of fifteen dollars for each warrant received ſheriff, and not delivered by him within ten days to the ſupervиſor, to be recovered before a magiſtrate, as in the caſe of ſmall debts out of court, and applied towards clearing and amendi public roads.

Penalty on ſupervиſors for neglect, &c.

X. AND BE IT ENACTED, That if any of the ſaid ſupervиſors ſhall not ſufficiently clear and the ſaid public roads within his diſtrict, within a reaſonable time after it ſhall be out of rep ſhall not ſtreighten the ſaid public roads, as marked and bounded by the commiſſioners, or ſha any fallen trees, or other obſtruction, to remain in or acroſs any of the ſaid public roads, w any waggon, cart or other carriage, may be obſtructed for two days together, he having notice of, or ſhall neglect to fall all dead trees on either ſide of the ſaid public roads, whoſe limb over, and may by their falling injure travellers, or lop or cut off all limbs or branches o hanging or projecting over the road, within fifteen feet above the ſurface thereof, or ſhall ſu of the bridges or cauſeways to be out of good repair, or otherwiſe fail to perform the duti ſupervиſor, he ſhall forfeit and pay a ſum not exceeding fifteen dollars for every ſuch offence recovered and applied as aforeſaid.

Juſtice may iſſue his warrant, &c.

XI. AND BE IT ENACTED, That any of the juſtices of the peace of the ſaid county, wh his own view, or on the information, oath or affirmation, of one or more credible witneſſ diſcover or be ſatisfied that any bridge, road or cauſeway, is out of repair from neglect of the ſupervиſor within whoſe limits the ſame ſhall be, except in time of wheat harveſt, ſha thoriſed to iſſue his warrant, in the name of the ſtate, againſt ſuch ſupervиſor, directed to ſtable of the hundred, and returnable before himſelf or ſome other juſtice of the peace for ſa ty, who ſhall proceed to give judgment according to the merits of the caſe, and if judgment dered againſt him for any fine or forfeiture not exceeding twelve dollars, and if he ſhall not ſame, the ſaid juſtice of the peace may thereupon iſſue proceſs of execution for the recovery and the ſame ſhall be accounted for and paid to the order of the levy court of ſaid county, plied as aforeſaid; provided nevertheleſs, that nothing herein contained ſhall prevent any of ſupervиſors offending againſt the proviſions of this act from being preſented by the grand jury neglect of duty not before puniſhed by any one of the juſtices of the peace as aforeſaid.

Juſtices to receive fines, &c.

XII. AND BE IT ENACTED, That the juſtices of the peace reſpectively ſhall be author empowered to receive any fine or fines for which they may reſpectively render judgment ag ſupervиſor of the road in ſaid county, and ſhall account with, and pay over to the levy cou ally, all monies which they may have reſpectively received in virtue of this act, under the of paying treble the amount thereof in caſe of failure or neglect, to be recovered in the coun in an action for money had and received, in the name of the juſtices of the levy court of ſaid to be applied as other fines are heretofore directed by this act.

Supervиſors not anſwerable, &c.

XIII. AND BE IT ENACTED, That no ſupervиſor ſhall be anſwerable for the fine or fines where it can be made appear that the neglect of ſuch ſupervиſor happened after the ſum appr to the road or roads of which he is ſupervиſor had been applied and expended under the dir the court aforeſaid.

They may remove ſtones, &c.

XIV. AND BE IT ENACTED, That it ſhall and may be lawful for the ſeveral and reſpecti viſors of the ſaid roads, and they are hereby authoriſed and empowered, as often as need quire, to dig, take and remove, any ſtones, gravel, or earth of a firm quality, which may

y land adjoining the roads for which the ſame may be neceſſary, and to employ the ſame in the ing of the ſaid roads; and for the making or repairing of bridges over the heads of rivers, s, branches, ſwamps, or other low and miry places, through and over which the ſaid roads may to cut down, or cauſe to be cut down, any tree or trees growing on any of the next adjacent to ſuch places where bridges may be neceſſary as aforeſaid, and the ſame trees to maul and away off ſuch lands, and to apply the ſame to the making or repairing of the ſaid bridges; pro- always, that no encloſure ſhall be laid open or entered into to obtain the ſeveral materials afore- or any of them, without the conſent of the owner or owners thereof; and provided alſo, that any tree or trees ſhall be cut down for the purpoſes aforeſaid, notice whereof ſhall be given to rner, tenant or overſeer, and due compenſation made or ſecured to him or them by the county ling to the full value thereof, in ſuch manner as the juſtices of the levy court ſhall direct.

Notice to be given, &c.

. AND BE IT ENACTED, That the ſaid ſupervifors reſpectively ſhall, before they begin to ten, amend or repair, any road, or to make or repair any bridge or cauſeway, give notice, by iſement at the moſt convenient public places in ſuch diſtrict, that the inhabitants may have an unity of hiring labourers, or labour themſelves in and upon the ſaid roads, bridges or cauſe- and each ſupervifor ſhall be allowed ſuch ſum and expence as ſhall be deemed reaſonable by tices of the levy court.

Juſtices to call on collector, &c.

I. AND BE IT ENACTED, That the juſtices of the levy court ſhall call upon the collector for ies levied and aſſeſſed for the uſe of the ſaid roads, as ſoon as payable by law, and in caſe of or refuſal, they ſhall, within two months thereafter, iſſue an execution againſt the ſaid col- out of the county court, for the money ſo due, and ſhall have all the legal benefits and privi- uſually attending executions iſſued in behalf of the ſtate of Maryland; and the ſaid juſtices ſo liquidate and ſettle the accounts of all ſupervifors within the ſaid county annually, at their urt, and keep a fair record of all their proceedings relative to the public roads.

Penalty on altering, &c. any road, &c.

II. AND BE IT ENACTED, That if any perſon or perſons ſhall alter, change, obſtruct or en- upon, any of the ſaid roads, or cut down, deſtroy or injure, any of the bridges, cauſeways, ries, marks or directions, therein or thereon, ſuch perſon, on being thereof convicted in the court, ſhall be fined, at the diſcretion of the court, not exceeding fifty dollars, and all fines in ſuch caſes ſhall be appropriated to repairing ſuch damages, and improving the roads in the aforeſaid, and be paid to and accounted for by the ſupervifor of the diſtrict.

Supervifors may require ſlaves, &c.

III. AND BE IT ENACTED, That the ſupervifors of ſaid county ſhall, when neceſſary, require owners of ſlaves as many male ſlaves as they may deem neceſſary, not exceeding one half of mber of labouring ſlaves belonging to ſuch perſon on any one day, provided that ſuch owner t be compelled to render more ſervice in any one year by the labour of his or her ſlaves than ner road taxes may amount to; and provided, that the labour of ſaid ſlaves ſhall not be re- as aforeſaid during the ſeaſon of harveſt.

Penalty for not furniſhing, &c.

. AND BE IT ENACTED, That for every ſlave ſo required by the ſupervifor, and not furniſh- owner ſhall forfeit ſeventy-five cents for each day, to be recovered by the ſupervifors as in ſmall debts, to be accounted for on oath, and paid to the levy court annually, to be applied epairing of the public roads.

Day for payment to be ſpecified, &c.

AND BE IT ENACTED, That in all caſes where the levy court of ſaid county ſhall iſſue an o the collector to pay any ſupervifor any money under this act, the ſaid levy court ſhall ſpecify order the day or days for the payment, and in caſe of his neglect or refuſal, the ſaid ſupervi- , within five days thereafter, under the penalty of twenty dollars, give notice thereof to the the county, who ſhall, within thirty days thereafter, give notice to the juſtices of the levy ſaid county to meet, which court ſhall iſſue an execution againſt the ſaid collector out of unty court for the ſum ſo due from the ſaid collector, in the manner herein before preſcribed.

Collection may be anticipated, &c.

. AND BE IT ENACTED, That the collector of the aforeſaid taxes may be anticipated, by ing the ſupervifor or ſupervifors, (if expedient,) to accept of labour in lieu thereof at the ry rates of labour for the time, which ſupervifor or ſupervifors ſhall iſſue certificates to thoſe m ſuch labour may be rendered, expreſſing therein, in writing, the duration or time of ſuch the rate thereof by the day, by whom and for whoſe account the ſame was rendered, and the ccount or value thereof, to be received in taxes by the collector of ſaid county, in diſcharge ies due or owing for this particular tax.

XXII. AND

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Dams to be twelve feet wide, &c.

XXII. AND BE IT ENACTED, That where any perſon or perſons have erected, or ſhall ere the county aforeſaid, any mill or mills on any branch or run where any public road croſſes, o croſs, and have erected or ſhall erect, any dam for ſuch mill or mills, ſuch perſon or perſons, owner, poſſeſſor or occupier, of ſuch mill or mills, ſhall be and they are hereby obliged to ma top of the ſaid dam twelve feet wide at the leaſt, and make good and ſubſtantial bridges ov waſte and race of the ſaid mills and dams twelve feet wide, and the ſame keep in good repair if the owner or owners, poſſeſſor or occupier, of any ſuch mill or mills, ſhall refuſe or neglect what is by this act required, and ſhall be thereof legally convicted, he, ſhe or they, ſhall and pay a ſum not exceeding fifty dollars for each neglect or offence, to be recovered and appl aforeſaid.

Damages, &c. when to be paid, &c.

XXIII. AND BE IT ENACTED, That where any damages ſhall be allowed to any perſon or p for opening any public road through his, her or their land, the payment ſhall not be made un road be actually laid out and opened.

Not to work with leſs than 6 labourers, &c.

XXIV. AND BE IT ENACTED, That no ſupervisor ſhall proceed to work on any public roa a leſs number of able bodied labourers than ſix, unleſs it be for removing ſome fallen trees, or obſtruction, on forfeiture of his wages for the time that a leſs number ſhall be employed, to ducted out of his allowance by the levy court.

Acts repealed.

XXV. AND BE IT ENACTED, That from and after the firſt Monday in April next, all aſſembly heretofore made, and relating to public roads in Queen-Anne's county, be and th hereby repealed, ſo far as they relate to the ſaid county.

CHAP. LXXI.

Paſſed 3d of Jan. 1800.

An ACT for the relief of John Johnſon, of Waſhington county. Lib. JG. No. 3. fol. 32 Private Act.

CHAP. LXXII.

* 1791, ch. 70.

A Further ſupplement to an act, * entitled, An act to ſtreighten amend the public roads in Harford county, and for other purp Lib. JG. No. 3. fol. 323.

Preamble.

WHEREAS Joſeph Wheeler, executor, and Henrietta Wheeler, executrix, of Ignatius W deceaſed, in behalf of the repreſentatives of the ſaid Ignatius Wheeler, and James M in his own right, have ſet forth by their petition to this general aſſembly, that they ar aggrieved by the road leading from the Pine ford to Patrick Smith's lane, in ſaid county, as by the commiſſioners appointed under the act to which this is a further ſupplement, and pr power may be veſted in the levy court of ſaid county to appoint commiſſioners to review road; therefore,

Court to appoint perſons, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of Harford be and they are hereby empowered and directed to appoint, by warrant, five freeholders, a dents in ſaid county, to review the above deſcribed road, which ſaid perſons, ſo appointed a ſaid, ſhall and they are hereby directed and required, as ſoon as conveniently may be therea meet, examine and review, the above deſcribed road, as laid out, marked and bounded as af and if upon ſuch review, they, in their judgment, ſhall be of opinion that the above deſcrib laid out as aforeſaid, ought to be altered, then they are hereby required to alter, lay out, mark and bound, the road aforeſaid, ſo altered, and make return thereof agreeable to the di and regulations of the original act to which this is a further ſupplement; and the ſaid court, ſhall approve the ſame, thereupon ſhall direct the ſaid road, ſo altered and laid out, to be and amended in the ſame manner as is directed by the ſaid original act.

Who ſhall take an oath, &c.

III. AND BE IT ENACTED, That the perſons to be appointed under and in virtue of ſhall, before they proceed to exerciſe the powers hereby given, take the oath preſcribed by original act, and ſhall have the ſame allowance as the commiſſioners appointed under the a ſaid, for their actual ſervices.

C

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pplement to an act, * entitled, An act to facilitate the draining land in the ſeveral counties therein mentioned. Lib. JG. . 3. fol. 324.

Paſſed 3d of Jan. 1800.
* 1790, ch. 3.

Preamble.

EREAS the act to which this is a ſupplement has been found beneficial in its operation in the counties included in ſaid act, and it is thought juſt and reaſonable that the ſame ſhould be d to ſuch other counties as wiſh to obtain the benefit of its proviſions; therefore,

Act extended, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That an act paſſed at November ſeſſion, ſand ſeven hundred and ninety, entitled, An act to facilitate the draining of land in the ounties therein mentioned, be and the ſame is hereby extended to Talbot and Saint-Mary's to operate on the ſaid counties, and each of them, in its various proviſions, clauſes and n the ſame manner as if both and each of them had been originally included, named and therein.

CHAP. LXXIV.

pplement to the act, * entitled, An act for the more effectual ection of the county charges in Allegany county. Lib. JG. 3. fol. 324.

* 1796, ch. 8.

Preamble.

EREAS by the act, entitled, An act for the more effectual collection of the county charges Allegany county, paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-ſix, iſſioners of the tax in Allegany county are directed and required, in certain caſes where y charges ſhall not be paid upon any tract or lot of land in ſaid county, to cauſe advertiſe- be inſerted in certain news-papers, in the manner in ſaid act directed: And whereas no is made by ſaid law as to the manner of defraying the expence of advertiſing ſaid land, and t, in other reſpects, wants aid and amendment;

Expence to be apportioned, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That the commiſſioners of the tax of Al- nty be and they are hereby authoriſed and required to apportion the expence of advertiſing and lots of land aforeſaid between the reſpective tracts or lots ſo advertiſed, agreeably to e for taxes on each tract or lot; and the ſaid commiſſioners ſhall make out, and deliver to tor, a liſt, expreſſing the ſum due on each tract or lot for advertiſing as aforeſaid, and the be conſidered as part of the legal charges on ſaid tract or lot, and ſhall be received and by the collector as part of the legal charges on ſaid tract or lot, and paid to ſaid commiſ- their order.

Part only to be ſold, &c.

D BE IT ENACTED, That where ſeveral tracts, lots or parcels of land, in the ſaid county, arrearages of taxes are due, belong and are charged upon the aſſeſſment liſts to the ſame perſons, in that caſe it ſhall not be lawful for the ſaid commiſſioners to order a ſale of more d tracts, lots or parcels of land, than will be ſufficient to diſcharge the whole amount of from ſuch perſon or perſons, together with the commiſſion and legal charges ariſing there- hing in the act to which this is a ſupplement to the contrary notwithſtanding, but in ſuch aid commiſſioners may order and direct the collector to ſell as aforeſaid any one or more of , lots or parcels of land, or ſuch part thereof as may be neceſſary to pay the whole amount commiſſion and charges, due from ſuch perſon or perſons as aforeſaid.

In certain caſes the whole may be ſold, &c.

D BE IT ENACTED, That if the commiſſioners of the tax of ſaid county, or a majority of l be of opinion that any tract, lot or parcel of land, will not admit of diviſion without injury to the owner or owners thereof, the commiſſioners aforeſaid, or a majority of them, y are hereby authoriſed and required to authoriſe and direct the collector to ſell the whole t, lot or parcel of land, an entry of which authority to the collector ſhall be made upon s of the proceedings of the commiſſioners.

Collector to make return, &c.

BE IT ENACTED, That the collector ſhall, within two weeks after making any ſale of real or the purpoſes aforeſaid, make return to the clerk of the commiſſioners of all his proceed- ation thereto, under his hand and ſeal; and that where, from the ſale of any tract or lot agreeably to the proviſions of this act, the collector ſhall receive more money than may be o ſatisfy the taxes and legal charges thereon due, the collector ſhall, within two weeks af-

CHAP. LXXIV.

ter ſuch ſale, depoſit, for ſafe keeping, ſuch overplus of money, after all neceſſary charges de in the hands of the clerk of the county; and the money lodged in the hands of the clerk, in ance of this act, ſhall be ſafely kept by him, and paid to the perſon or perſons entitled to rece ſame upon demand, or may be drawn by the commiſſioners of the tax of the county to ſatisf arrearages of taxes, in caſe any ſhould again accrue from the ſame perſon whilſt the ſaid mon remain in the hand of the clerk as aforeſaid.

Purchaſers to reconvey, &c.

VI. AND BE IT ENACTED, That where any whole tract or lot of land ſhall be ſold by orde commiſſioners of the tax of ſaid county, under the proviſions of this act, upon the owner or his, her or their legal repreſentatives, paying or tendering payment to the purchaſer or pur his, her or their heirs or aſſigns, the purchaſe money, with an intereſt of ten *per cent.* pe thereon, and all other legal charges, within one year from the time of ſuch purchaſe, that purchaſer or purchaſers thereof, his, her or their heirs or aſſigns, ſhall reconvey to the owner the tract or tracts, lot or lots of land, ſo ſold and purchaſed as aforeſaid.

If no bidders, liſt to be returned, &c.

VII. AND BE IT ENACTED, That where the collector ſhall expoſe to public ſale any tracts, lot or lots of land, as aforeſaid, for which there is no bidder or bidders, the collec return to the commiſſioners of the tax, at their next meeting thereafter, a liſt of ſuch tract o lot or lots of land, ſo unſold as aforeſaid, and the amount of the taxes thereon reſpectively gether with the name or names of the perſon or perſons reſpectively chargeable with the of the ſame; and the ſaid commiſſioners, or a majority of them, are hereby authoriſed and to make out, and deliver to the next collector, a copy of the liſt of tracts or lots of land unſold as aforeſaid, and direct him, after thirty days notice at the court-houſe door, and o lic places in ſaid county, the lot or lots, tract or tracts of land, in ſuch liſt mentioned, to ſ ſame manner, and under the ſame regulations, as the former collector was directed.

Duration.

VIII. AND BE IT ENACTED, That this act, together with the act to which this is a ſup be and they are hereby continued for and during the term of three years, and until the e next ſeſſion of aſſembly which ſhall happen thereafter.

CHAP. LXXV.

Paſſed 3d of Jan. 1800.

An ACT for the more effectual preventing of forgery, and to it felony to ſteal bonds, notes or other ſecurities, for the pa of money. Lib. JG. No. 3. fol. 326.

Penalty for counterfeiting deeds, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That if any perſons ſhall falſely m forge or counterfeit, or cauſe or procure to be falſely made, altered, forged or counter ſhall utter, publiſh or paſs, knowing to be falſely made, altered, forged or counterfeited, will, teſtament, bond, writing obligatory, bill of exchange, promiſſory note for payment or delivery of goods, or other valuable articles, endorſement or aſſignment of any bond obligatory, bill of exchange, or promiſſory note for payment of money, or delivery of other valuable articles, or any acquittance or receipt either for money or goods, or othe articles, with intention to defraud any perſon, and ſhall thereof be convicted in any co within this ſtate, he or they ſhall be adjudged a felon, and ſuffer ſuch puniſhment as ſhall b by ſaid court, ſo as the ſame do not extend to death, or more than ſeven years ſervitude.

And acceptances, &c.

II. AND BE IT ENACTED, That if any perſon ſhall falſely make, alter, forge or coun cauſe or procure to be falſely made, altered, forged or counterfeited, or willingly act or a falſely making, altering, forging or counterfeiting, or ſhall utter, publiſh or paſs, know falſely made, altered, forged or counterfeited, any acceptance of any bill of exchange, for the payment of money or delivery of goods, or other valuable articles, or the number pal ſum of any accountable receipt for any note, bill, or other ſecurity for payment of any warrant or order for the payment of money or delivery of goods, or other valuable arti intention to defraud any perſon, and being thereof convicted in any court of law within he or they ſhall be adjudged a felon, and ſuffer ſuch puniſhment as ſhall be adjudged by ſaid as the ſame do not extend to death, or more than ſeven years ſervitude.

Stealing, &c. deemed felony, &c.

III. AND BE IT ENACTED, That if any perſon or perſons ſhall ſteal, or take by rob bonds, ſpecialties, bill of exchange, notes, draughts or checks drawn for the payment of any bank, or other ſecurities or evidences for the payment of money, or delivery of good valuable articles, being the property of any other perſon or corporation, or ſhall fraud

any such bonds, specialties, bills of exchange, notes, draughts or checks drawn for the pay- CHAP. LXXV.
of money on any bank, or other securities or evidences for the payment of money, or delivery
ds, or other valuable articles, knowing the same to be stolen or taken by robbery, every such
shall be deemed felony, and the party or parties, being thereof convicted in any court of law
this state, shall be adjudged a felon or felons, and suffer such punishment as shall be adjudged
court, so as the same do not extend to death, or more than seven years servitude.

CHAP. LXXVI.

upplement to the act, * entitled, An act to regulate elections. Lib. JG. No. 3. fol. 327.

Passed 3d of Jan. 1800.
* Chapter 50.

HEREAS in the division of the state into districts for the purpose of choosing electors of the Preamble.
president and vice-president, or of representatives in the congress of the United States, and
division of the different counties into the election districts under the act, entitled, An act to
e elections, it may so happen that part of an election district may lie in one division of the
nd part in another: And whereas no provision is made by law for holding such elections;

E IT ENACTED, *by the General Assembly of Maryland*, That in the cases above mentioned it Judges to keep two books, &c.
the duty of the judge or judges of the election district to keep two separate and distinct books
, for the purpose of entering and taking the votes in said district, designating upon the said
he division for which the votes may be respectively given, and in such case the judge or
at his or their meeting aforesaid, shall make return as in the said law directed, and specify
h of the facts of such election, and the votes given in such cases shall be applied to the re-
divisions in which such voters may reside.

CHAP. LXXVII.

T to change the name of Clement Holliday Waring to the name of Clement Holliday. Lib. No. 3. fol. 328. A Private Act.

CHAP. LXXVIII.

ACT to lay out, alter and confirm, certain roads in Allegany unty. Lib. JG. No. 3. fol. 328.

ENACTED, *by the General Assembly of Maryland*, That Thomas Beall, of Samuel, Benjamin Commissioners appointed, &c.
mlinson and David Hoffman, senior, or any two of them, be and they are hereby appointed
oners to lay out a road from John Kembuly's to intersect the road leading from Cumberland
Guynn's, and they, or any two of them, be and they are hereby appointed commissioners to
road from the town of Cumberland, in Allegany county, to Sidling hill creek, in the near-
ion to Hancock-town, in Washington county.

ND BE IT ENACTED, That the said commissioners shall survey and lay out the said roads in Roads to be surveyed, &c.
est direction the nature of the grounds, and the restrictions herein after mentioned, will ad-
and without delay execute, sign and seal, plain plots of the same, with explicit explanations
and make return of such plots and explanations to the county court of said county, who,
iving such plots and explanations, shall examine the same, and all the evidence that shall or
offered for or against said roads, or either of them, as returned, and upon consideration of all
ances may reject or confirm the same, or either of them, as a public road or roads, or may
he said commissioners to alter and amend the said plots, or either of them, and when so
, may reject or confirm the same, and when confirmed, shall cause the same to be recorded
he land records of Allegany county, in testimony of the same being established by law, and
ct the said commissioners to mark and bound the said roads, (or either of them, which shall
e said court confirmed,) and direct a supervisor or supervisors to clear and improve the same,
me manner, and on the same terms, as other public roads in said county are by law directed
ared and improved; and upon completing the same, the said roads (or road, as the case may
l be deemed a public road or roads, and shall be kept in repair as all other public roads in
nty are by law directed to be kept.

ND BE IT ENACTED, That in case the said county court shall ratify and confirm either or Court may agree for damages, &c.
the said roads directed by this act to be laid out, that then the levy court shall be and are
uthorised and empowered to agree and contract with the person or persons over whose land
d or roads may pass, for the amount of the damages thereby sustained, not exceeding the rate
pounds current money per acre, but if such agreement doth not take place, then the said
ll issue their warrant, directed to the sheriff of the county, commanding him to summon and

CHAP. LXXVIII.

return a jury of twelve good and lawful men of the ſaid county, not intereſted or related to th or parties, to be and appear before ſome one of the juſtices of the ſaid court, on the premiſ certain day in the ſaid warrant to be expreſſed, which jury, on their oath, or affirmation, as t may be, to be adminiſtered by the ſaid juſtice, ſhall inquire who are the owner or owners of land over which the road or roads ſo laid out and ratified ſhall paſs, and what damages ſuch o owners will actually ſuffer from the paſſage of ſuch road or roads over the ſaid land, the ſa taking into conſideration all conveniencies and inconveniencies, advantages and diſadvant any, ariſing from the opening and improving of the ſaid road or roads; and ſuch ſheriff ſha the inquiſition of the ſaid jury, under their hands and ſeals, and atteſted by his official ſigna the next levy court to be held for the county, and the amount of the damages therein expr any, ſhall be paid, by order of the ſaid court, out of the monies to be levied as is by law d provided, that the ſaid road or roads ſhall not be made to run through any building, enclo garden or orchard, without the conſent of the owner, nor ſhall any field in which grain, he tobacco, or other cultivated vegetables are growing, be laid open until after the ſeaſon for c and ſecuring the crop growing in ſuch field.

Compenſation to be made, &c.

IV. AND BE IT ENACTED, That when the commiſſioners who may be appointed under this have diſcharged all the duties required of them in virtue of ſuch appointment, the levy cou ſaid ſhall order to be made to the ſaid commiſſioners reſpectively, out of the monies to be l by this law directed, ſuch reaſonable compenſations as to the ſaid court ſhall ſeem meet, and commiſſioners reſpectively ſhall thereafter be diſcharged.

Money to be levied, &c.

V. AND BE IT ENACTED, That the levy court of ſaid county ſhall and they are hereby au to levy annually, until ſaid road or roads is or are completed, on the aſſeſſable property of ſa ty, a ſum not leſs than eighty dollars, nor exceeding two hundred dollars, for the purpoſe o ing the expence of clearing and improving ſaid road or roads, which monies ſhall be collec other public charges are by law directed to be collected.

VI. AND, whereas the road leading from Ninian Cockran's ſtore, at Genning's run, creek, by John Tomlinſon's mill, in Allegany county, to the Pennſylvania line, eſtabliſhed paſſed at November ſeſſion, one thouſand ſeven hundred and ninety-ſeven, runs through th

Court to appoint perſons, &c.

John Tomlinſon, much to his injury, as it is repreſented; therefore, BE IT ENACTED, county court of Allegany county be and they are hereby authoriſed, upon the petition of Jo linſon, to appoint three diſcreet perſons, freeholders in the ſaid county, commiſſioners, ſurvey and plot, the road ſo applied for, through the land of ſaid Tomlinſon, and make retu of to the court at their next meeting, who, on receiving ſuch plot, ſhall examine the ſame the evidence that ſhall be offered for or againſt the ſaid road, as returned, and may reject o the ſame, or may direct the commiſſioners to alter and amend the ſaid plot, and when ſo may reject or confirm the ſame, and when confirmed and opened as the ſaid county court ſha ſhall be deemed a public road.

VII. AND, whereas ſundry inhabitants of Allegany county, by their petition to this g ſembly, have repreſented, that there has been a road laid out from a tract of land called Bea through Selby's Port, to the Virginia line, in a direction to Morgan-town, at a place calle Cabin, and has been kept in repair as a public road for ſeveral years paſt; and as the eſtab the ſame as a public road would greatly adminiſter to the convenience of the public, they h ed that the ſame may be made a public road, which appears to this general aſſembly re

Road declared public, &c.

therefore, BE IT ENACTED, That the road in Allegany county leading from Braddock's r tract of land called Bear Camps, as aforeſaid, through Selby's Port, to the Virginia line, called Jenning's Cabin, be and the ſame is hereby declared, deemed and taken to be, a pu for ever, and hereafter to be kept up and repaired as other public roads are in ſaid county to the contrary notwithſtanding.

CHAP. LXXIX.

Paſſed 3d of Jan. 1800.

An ACT to prevent unneceſſary delay and expence, and f further advancement of juſtice, in the court of chancery.

JG. No. 3. fol. 331.

Defendant, nonreſident, being ſummoned, a day to be limitted, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That in caſe any defendant in a c tuted, or hereafter to be inſtituted, in the court of chancery, reſides, or ſhall reſi the ſtate, and a ſummons from the ſaid court hath been or ſhall be ſerved upon the ſaid d

the ſervice hath been or ſhall be proved to the ſatisfaction of the chancellor, the chancellor is by authoriſed, by order, to limit a certain day, on or before which the ſaid defendant ſhall ap- in perſon, or by a ſolicitor, and put in a good and ſufficient anſwer to each interrogatory con- d in the bill, or plea or demurrer to the ſame, and if a copy of the ſaid order ſhall be inſerted ably to the chancellor's directions, in ſome convenient news-paper, or perſonally ſerved on the dant at leaſt three months before ſuch day limitted, and the defendant ſhall not have ſo appear- d anſwered, the chancellor ſhall, at diſcretion, either take the bill *pro confeſſo*, or direct a com- n to iſſue for taking depoſitions, and ſhall finally decree as to him ſhall ſeem conſiſtent with the iſhed principles of equity, in the ſame manner as if the defendant had appeared and anſwered, epoſitions had been taken in the uſual manner.

A day to be limitted, &c.

AND BE IT ENACTED, That in any cauſe inſtituted, or hereafter to be inſtituted, in the court ancery, if an attachment for want of appearance or anſwer ſhall have been or ſhall be duly re- d ſerved or attached, and the defendant ſerved or attached ſhall not appear at the day of the n, the chancellor is hereby authoriſed, on application of the complainant or complainants, by to limit a certain day in the following term, on or before which day the defendant ſhall appear rſon, or by a ſolicitor, and put in a good and ſufficient anſwer to each interrogatory contained bill, or a plea or demurrer to the ſame, or otherwiſe the chancellor, on the application of the ainant, and at diſcretion, may either take the bill *pro confeſſo*, or direct a commiſſion to iſſue for depoſitions, and ſhall finally decree as to him ſhall ſeem conſiſtent with the eſtabliſhed princi- f equity, in the ſame manner as if the defendant had appeared and anſwered, and depoſitions en taken in the uſual way; provided nevertheleſs, that if at any time before a decree ſhall be a defendant, nonreſident or attached as aforeſaid, ſhall appear as aforeſaid, and immediately put n anſwer, there ſhall be the ſame proceedings as if he had regularly appeared and anſwered.

In caſe of bill of revivor, chancellor to direct, &c.

AND BE IT ENACTED, That if, on the death of a complainant, any bill of revivor hath been l hereafter be filed in the court of chancery, and the defendant hath or ſhall have removed out ſtate, the chancellor ſhall have full power to make ſuch order, and direct ſuch proceedings, as ppear to him beſt calculated to promote ſubſtantial juſtice; provided, that the ſaid defendant's hath been or ſhall have been put in before the death of ſuch complainant; and provided alſo, e ſaid defendant ſhall be alive at the time of ſuch order or proceedings.

On bill filed againſt an infant to be the ſame proceedings, &c.

AND BE IT ENACTED, That if any bill in chancery hath been, or ſhall be filed, againſt an out of the ſtate, there ſhall, at the chancellor's diſcretion, be the ſame proceedings, and the llor may decree, as if the infant were of full age; provided, that in all caſes where a decree e paſſed againſt an infant out of the ſtate, except thoſe caſes in which proceedings againſt out of the ſtate are already provided for by law, there ſhall be liberty reſerved for the ſaid within eighteen calendar months from the date of the decree, or within ſix ſuch months after d infant ſhall attain the age of twenty-one years, and likewiſe for any heir of the ſaid infant, the ſaid infant ſhall not ſo long live, within ſix months after the death of the ſaid infant, or ſix months after ſuch heir ſhall attain ſuch age, to ſhew cauſe wherefore the decree ought not been paſſed; and the bill to be filed by ſuch infant or heir for ſhewing cauſe as aforeſaid, the caſe may require, either be filed againſt the original complainant or complainants, or rſon or perſons claiming or holding under him, her or them, and on ſuch bill filed, the chan- hall, at diſcretion, direct either the uſual proceedings by ſubpœna, or ſuch notice as he ſhall roper, according to the nature of the caſe, of the bill and of its ſubſtance and object, and of y him limitted, not leſs than four months after notice, for the defendant or defendants to file wer to ſuch bill of reviſion; and if an anſwer be not accordingly filed, the chancellor may to a reconſideration or reviſion of the decree before paſſed, or he may direct depoſitions, or roofs, *ex parte*, to be received as evidence in addition to the former proceedings; and in caſe defendant's appearing to ſuch bill of reviſion, additional evidence and proceedings may be had, chancellor ſhall paſs ſuch decree for or againſt the original complainant or complainants, or or their repreſentative or repreſentatives aforeſaid, or perſon or perſons having the benefit riginal decree, as the eſtabliſhed principles of equity ſhall to him appear, under all the cir- ces of the caſe, to require.

ND, whereas in certain caſes, and particularly where a defendant hath been duly ſummoned, ſtood out the proceſs of the court, the chancellor is by law directed abſolutely to take the *confeſſo*, and in other caſes of non-appearance of the defendant, he may at diſcretion, either bill *pro confeſſo*, or direct a commiſſion for taking depoſitions: And whereas it appears unrea- that in any caſe whatever the chancellor ſhould be directed abſolutely to take the bill or bare allegations

CHAP. LXXIX.

Bill may be taken *pro confesso*, &c.

allegations of a ſuitor *pro confeſſo*, BE IT ENACTED, That in all caſes whatever, where the chan is authoriſed to decree without the appearance of the defendant or defendants, it ſhall be at th cretion of the chancellor, either to take the bill *pro confeſſo*, or direct a commiſſion for taking d tions *ex parte*, as by law is directed in certain caſes where the defendants are nonreſidents.

A commiſſion may iſſue to one perſon, &c.

VI. AND BE IT ENACTED, That hereafter, with the conſent of the party or parties in and with the approbation of the chancellor, a commiſſion for any purpoſe whatever, which may fully iſſue from the chancery court in any cauſe there depending, or hereafter to be inſtituted be directed to one perſon only, or to three perſons, with power to any two, and the perſon o ſons to whom it ſhall be directed ſhall have the ſame authority as has heretofore been repoſed i greater number.

In caſe of eſcheat land, ſuit may be brought, &c.

VII. AND BE IT ENACTED, That in all caſes where land has eſcheated, or ſhall eſcheat, ſtate, or hath or ſhall become the property of the ſtate, from the purchaſe thereof by an ali hath been confiſcated as the property of a Britiſh ſubject, any perſon having any claim to th land, or any part thereof, or having a lien or charge upon the ſame, or a title in equity, may a ſuit againſt the ſtate in any court of law or equity, as the caſe may require, in the ſame man it might have been brought againſt the perſon from whom it hath devolved on the ſtate; and ſuch ſuit be brought in the chancery court, the attorney-general ſhall be the defendant in be the ſtate, between whom and the complainant or complainants there ſhall be ſuch proceed might have been between the ſaid complainant or complainants and the perſon whoſe title h volved on the ſtate; provided, that in no caſe ſhall the ſtate be burthened with coſts, or oth in conſequence of having the ſaid title.

All coſts to be charged to the complainant, &c.

VIII. AND BE IT ENACTED, That in all caſes whatever, where a ſuit ſhall hereafter be in againſt the ſtate in the ſaid court of chancery, all coſts in the ſaid ſuit ſhall be charged to th plainant or complainants, and the ſtate ſhall not be anſwerable for any part thereof, unleſs th cellor ſhall be of opinion that the neceſſity of bringing ſuch ſuit hath not been owing to th or negligence of the ſaid complainant or complainants, and in caſe the chancellor ſhall be opinion, he ſhall have power to decree with reſpect to coſts as to him juſtice ſhall ſeem to r provided, that in no caſe ſhall the ſtate be liable to coſts in which it is not at preſent liable.

Defendant appearing to anſwer, &c.

IX. AND BE IT ENACTED, That in caſe any defendant ſhall hereafter appear in the court o cery, either in perſon or by a ſolicitor, agreeably to an order limitting a day for ſuch appear ſhall voluntarily ſo appear to a bill filed in chancery, he ſhall put in a good and ſufficient an each interrogatory contained in the bill, or a plea or a demurrer to the ſame, on or before th day of the term ſucceeding ſuch appearance, he ſhall otherwiſe be liable to be proceeded ag a reſident of the ſtate, as if he had been duly ſummoned and appeared as in ordinary caſes, a be a nonreſident, either the bill ſhall be taken *pro confeſſo*, or, at the diſcretion of the chanc commiſſion ſhall iſſue for taking depoſitions *ex parte*, and the chancellor may thereon pro decree.

Property taken to be delivered back, &c.

X. AND, whereas it ſometimes happens, that an injunction from the court of chancery the ſheriff from proceeding to ſell after he hath taken in execution property of a periſhable and doubts are entertained reſpecting the power, duty and liability of the ſheriff, and what law may be, great inconveniencies muſt ariſe to one of the parties, or to the ſheriff, whether tion be afterwards diſſolved or decreed to be perpetual, BE IT ENACTED, That in caſe any in from the court of chancery ſhall hereafter iſſue to prevent a ſheriff or other officer from perſonal property taken in execution, immediately on the ſervice of ſuch injunction on th or other officer, he ſhall deliver back the property ſo taken in execution to the party from was taken, and ſhall not be anſwerable to the plaintiff or plaintiffs at law on account of th and in all caſes where perſonal property hath been taken in execution, and the ſheriff or oth hath been prevented, by injunction from the chancery court, from ſelling the ſame, the other officer may deliver the ſame, if in his poſſeſſion, to the party from whom it was taken, not be anſwerable for the ſame to the plaintiff or plaintiffs at law; and in every caſe of i heretofore iſſued, if the ſheriff or other officer hath taken any perſonal property out of the of the defendant at law who hath obtained the injunction, the ſaid ſheriff, or other officer, anſwerable at law for the ſaid property to the party from whom it was taken.

On injunction, bond to be cancelled, &c.

XI. AND BE IT ENACTED, That in all caſes where the chancellor has or ſhall decree a injunction againſt the ſtate of Maryland, in favour of perſons who have purchaſed Britiſh

ich the ſtate had no title, the chancellor is hereby authoriſed to give his order to the treaſurer western ſhore directing him to cancel the bond or bonds, or ſuch other evidence of the debt, ll have been given at the time of making the ſaid purchaſe. CHAP. LXXIX.

CHAP. LXXX.

ACT to appoint an agent for the year one thouſand eight hundred. Lib. JG. No. 3. fol. 334.

Paſſed 3d of Jan. 1800.

IT ENACTED, *by the General Aſſembly of Maryland*, That William Marbury be agent of this ſtate, o execute the truſt and power repoſed in him by virtue of this act from the firſt day of January, ouſand eight hundred, until the firſt day of January, one thouſand eight hundred and one. An agent appointed, &c.

AND BE IT ENACTED, That the ſaid agent ſuperintend the collection of all arrearages and s due from the ſeveral collectors of the reſpective counties within this ſtate, and the ſaid s hereby authoriſed and required to call upon the treaſurers of the reſpective ſhores for an e ſtatement of all arrearages and balances due from ſuch collectors, and ſuch account ſhall iſhed by the ſaid treaſurers accordingly. To ſuperintend the collection of arrearages, &c.

AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of s due to the ſtate on the auditor's books or on open account; and the ſaid agent ſhall have o require payment of, and, if neceſſary, to ſue for and recover the ſame; and the ſaid agent, e approbation of the governor and council, may make compoſition with any ſuch debtors, e bonds to the ſtate, with ſufficient ſecurity, and give time for payment, not exceeding two om the firſt day of January, one thouſand eight hundred. Of balances on the auditor's books, &c.

AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collection of all due to the ſtate for naval duties, fines, penalties, forfeitures and amerciaments, and forfeited zances, and for ordinary, retailers and marriage licences, and to require payment, and (if y) ſue for and recover the ſame; and the ſaid agent may allow for inſolvencies, and credit ney that the party is not chargeable with by law, and, for his information of the law, he e the advice of the attorney-general in writing. And all monies due for duties, &c.

ND BE IT ENACTED, That whenever there ſhall be occaſion to expoſe to public ſale the proany collector, or his ſecurities, by virtue of any execution already iſſued, or to be iſſued for poſe, the ſaid agent ſhall cauſe at leaſt thirty days public notice to be given of ſuch ſale, and nd the ſame, and if it ſhall appear that there is danger of loſing any part of the debt due to , and not otherwiſe, ſhall purchaſe any property ſo expoſed to ſale for the uſe of the ſtate, in , or part payment, as the caſe may be, of the arrearages due by the collectors whoſe property ſo purchaſed, and that no purchaſe authoriſed by this act ſhall be conſidered as made on the he ſtate, unleſs a public declaration to that effect be made by the agent or his deputy immeſter ſuch ſale and purchaſe; and any property ſo purchaſed for the uſe of the ſtate, the ſaid y again expoſe to public auction, on the moſt advantageous terms for the uſe of the ſtate, and, me be ſold on credit, which ſhall in no caſe exceed the term of two years, the ſaid agent ſhall d, with good and ſufficient ſecurity, to be approved of by the treaſurer of the weſtern ſhore, purchaſers of ſuch property, and all bonds by him ſo taken ſhall be depoſited, with an acſt thereof ſubſcribed by him, in the treaſury of the weſtern ſhore, and ſhall be a lien upon property of ſuch purchaſers, and their ſecurities, from the reſpective dates, or ſo much as is mentioned in the ſchedule thereto annexed. Notice to be given of ſales, &c.

ND BE IT ENACTED, That the ſaid agent is hereby directed to diſpoſe of all confiſcated Britiſh that remains unſold, and take bonds to the ſtate, with ſufficient ſecurity, and give time for ent thereof, not exceeding two years from the firſt day of January, one thouſand eight and that where the quantity of land in any one body ſubject to ſuch ſale exceeds the of fifty acres, ſuch land ſhall be diſpoſed of at public ſale, of the time and place of which aſt thirty days previous notice ſhall be given by public advertiſement; and that at the time le by virtue of this act, the ſaid agent ſhall make known that he only ſells the right of this eto, and that the ſtate doth not guaranty the title to the ſame, or any part thereof, but that aſe muſt be in all reſpects at the riſk of the purchaſer. Agent to diſpoſe of property, &c.

ND BE IT ENACTED, That no payment in future by any officer or perſon indebted to the be valid and effectual, unleſs made to the treaſurer of the weſtern or eaſtern ſhore, or to the No payment to be valid, &c.

CHAP. LXXX.

the agent, or unleſs made to the clerks and ſheriffs of the ſeveral counties, in the caſes where ſaid clerks and ſheriffs are by law authoriſed to receive the ſame.

Agent to take back property, &c.

VIII. AND BE IT ENACTED, That the agent ſhall have full power and authority, by and with advice of the governor and council, in all caſes of uninſtalled debts, to take back any pro heretofore purchaſed by any perſon and not yet paid for, in caſes where the perſon ſo having chaſed, and his ſecurities, are not capable of paying for the ſame, and to compromiſe the ſame terms and principles of equity and juſtice, by and with the advice and conſent aforeſaid; an agent is hereby required to lay a particular ſtatement of his proceedings under this ſection the next ſeſſion of aſſembly.

And may compromiſe, &c.

IX. AND BE IT ENACTED, That the agent, with the approbation and conſent of the go and council, be and he is hereby authoriſed and empowered to compromiſe any ſuit depend chancery with any ſtate debtor, upon any terms in their judgment calculated to promote the i of the ſtate, and to obtain the ſpeedy receipt of the ſums due.

Property taken back may be ſold, &c.

X. AND BE IT ENACTED, That if, under the terms of any compromiſe made as aforeſa property heretofore purchaſed ſhould be taken back and reveſted in the ſtate, the ſame may by the agent, and he is hereby authoriſed and empowered to ſell the ſame at public ſale, giving days notice, on a credit of two years, payable, one half of the principal, and the whole inte nually, on the firſt day of December in each year; and the bonds, when taken, ſhall be retur the treaſury of the weſtern ſhore, and reported to the general aſſembly at their ſeſſion next the taking of ſuch bonds.

Agent to call on the attorney-general, &c.

XI. AND BE IT ENACTED, That all caſes in chancery, where no compromiſe under this effected, ſhall be placed under the direction of the agent, who is hereby authoriſed and requ call on the attorney-general to proſecute or defend the ſame to immediate final deciſion; governor and council are hereby authoriſed and empowered, at the requeſt of the agent, in difficulty, to aid the attorney-general, by employing any perſon to attend to ſurveys where ne or otherwiſe to aſſiſt in the proſecution or defence of ſaid ſuits, which perſon or perſons a paid out of the contingent fund of five hundred pounds; and the names of the perſons ſo em together with the ſum allowed for their ſervices, to be laid before the general aſſembly at the ſeſſion.

Debtors may be ſued, &c.

XII. AND BE IT ENACTED, That if any bond debtor to the ſtate for confiſcated prope chaſed, or otherwiſe, ſhall neglect to make payment, agreeably to the condition of his bond, an reſolves of the general aſſembly, the ſaid agent ſhall cauſe proceſs to iſſue for the whole princ intereſt then due, or ſhall proceed on any execution already iſſued, and ſerved and ſuſpended caſion may require, or, under the directions and with the approbation of the governor an cil, he is hereby authoriſed to delay any execution as long as they may think expedient and n

Agent to ſuperintend the collection, &c.

XIII. AND BE IT ENACTED, That the ſaid agent be authoriſed to ſuperintend the collecti balances due on bond taken for taxes due before the firſt day of January, one thouſand ſeven and eighty-three; and the ſaid agent ſhall alſo ſuperintend the collection of all balances due o inſtalled, or otherwiſe, for the emiſſions of paper money of one thouſand ſeven hundred a nine, and one thouſand ſeven hundred and ſeventy-three.

No proceſs to iſſue, &c.

XIV. AND BE IT ENACTED, That no proceſs ſhall iſſue againſt any of the public debtor by the direction of the ſaid agent.

Agent to fix days, &c.

XV. AND BE IT ENACTED, That the ſaid agent ſhall have power to fix ſuch days of ſal perty taken by *fieri facias*, at the ſuit of the ſtate, as he may think proper, always takin give at leaſt twenty days public notice thereof, and the ſaid agent ſhall alſo have power t the ſales, from time to time, as he may think moſt to the advantage of the ſtate.

And pay ſpecie.

XVI. AND BE IT ENACTED, That the ſaid agent ſhall pay into the treaſury, in ſpecie, th of all ſpecie by him received in the diſcharge of the duties of this act.

Bonds to be a lien.

XVII. AND BE IT ENACTED, That in all caſes where bonds ſhall be taken in virtu act, the bonds ſhall be a lien on the real property of the obligors from the date there ſo much of the ſaid real property as the governor and council ſhall think ſufficient, t

ly mentioned in a ſchedule to be annexed to the ſaid bond, in which caſe it ſhall be a lien on operty contained in ſuch ſchedule, and no more, ſuch bond and ſchedule to be lodged with the er of the weſtern ſhore.

And to expreſs the county, &c.

II. AND BE IT ENACTED, That all bonds taken in virtue of this act ſhall expreſs the county ch the obligors reſpectively reſide, and the treaſurer of the weſtern ſhore ſhall, within one after he receives them reſpectively, cauſe them, with the ſchedule annexed to them, to be ed in the office of the clerk of the general court of the weſtern ſhore at the expence of the s; and a copy of the ſaid record, certified under the hand and official ſeal of the ſaid clerk, as good evidence in any court of law or equity in this ſtate as the original bond would be if produced, and if any of the obligors in any ſuch bonds reſide on the eaſtern ſhore, the ſaid r ſhall, within ſix months from the time he receives the ſame reſpectively, tranſmit to the f the general court of the eaſtern ſhore, in the ſame manner as papers on public ſervice are tted, a copy of ſuch bonds and ſchedules, certified as aforeſaid by the clerk of the general f the weſtern ſhore, to be recorded in the office of the clerk of the general court of the eaſtern t the expence of the obligors, and, in ſuch caſe, a copy of the ſaid record, certified as afore- the clerk of the general court of the eaſtern ſhore, ſhall be good evidence as aforeſaid.

Agent to render quarterly accounts, &c.

AND BE IT ENACTED, That the ſaid agent ſhall render to the treaſurer of the weſtern ſhore quarterly accounts of his receipts of all money, certificates and bonds, in virtue of this act, immediately thereupon pay and deliver the ſame to the ſaid treaſurer, who ſhall, in his an- port to the general aſſembly, ſtate fully and particularly the money, certificates and bonds, received from the ſaid agent, and the times when the ſame were received and accounted

A fair account to the general aſſembly, &c.

AND BE IT ENACTED, That the ſaid agent ſhall render a fair and full account of his ſeve- eedings, under the authority of this act, to the general aſſembly at their next ſeſſion, and he firſt ten days after its commencement, in which account ſhall be ſpecified, under diſtinct is own receipts, and thoſe of the treaſurer, and of all transfers of ſtock upon which he may ed to commiſſion, and in which ſhall alſo be contained a particular eſtimate of his commiſſi- wing how and upon what the ſame aroſe due.

And to each branch thereof, &c.

AND BE IT ENACTED, That the ſaid agent ſhall, within twenty days after the commence- the next ſeſſion of the general aſſembly, render to each branch of the legiſlature a fair and ccount of the debts or ſums of money due to the ſtate, ranging the names of the debtors in ical order, and give full and complete information of the manner in which, and the time ch debt aroſe, and alſo the different ſteps and proceedings which have been taken by him- thers, for the recovery thereof.

Commiſſion allowed.

AND BE IT ENACTED, That the ſaid agent ſhall be allowed for his ſervices the following ns, to wit: For all payments actually made to either of the treaſurers in virtue of this act, *cent.* and for all bonds taken by the ſaid agent in virtue of this act, three *per cent.*

Agent to give bond, &c.

AND BE IT ENACTED, That the ſaid agent, before he enters upon the execution of the this act, ſhall give bond to the ſtate, before the governor and council, in the penalty houſand dollars, with ſuch ſecurity as the governor and council ſhall approve, for the faith- rmance of the ſaid duties, which bond ſhall be lodged with the treaſurer of the weſtern ſhore, alſo take an oath, before the chancellor, that he will well and faithfully diſcharge the agent, under the act, entitled, An act to appoint an agent for the year one thouſand eight to the beſt of his ſkill and judgment; the certificate of which oath ſhall be annexed to, or on, the ſaid bond.

And collect ſums due from nonreſidents, &c.

AND BE IT ENACTED, That the agent be and he is hereby authoriſed and directed to col- ſum or ſums of money due from perſons reſidents without the ſtate of Maryland, and, if ſue therefor, and he is alſo authoriſed to employ counſel for the recovery of the ſame, and fee as he may think reaſonable, and draw on the treaſurer of the weſtern ſhore therefor, reby authoriſed to pay the amount of ſuch order.

How a vacancy is to be filled.

AND BE IT ENACTED, That if the ſaid agent ſhall not accept his appointment, or if, acceptance, he ſhall not give bond and take the oath aforeſaid before the firſt day of Febru- or ſhall die, the governor and council are hereby authoriſed and requeſted to appoint a fit

CHAP. LXXX.

and proper perſon in his place, who ſhall have and execute all the authorities and powers v
the ſaid William Marbury by this act, ſuch perſon firſt giving ſecurity and taking the oath af

CHAP. LXXXI.

Paſſed 3d of Jan. 1800.

An ACT relating to the public roads in Kent county. Lib. No. 3. fol. 339.

Preamble.

WHEREAS the preſent laws relative to the public roads of Kent county are compl
in part inadequate to the purpoſes for which they were intended; and as it is neceſſ
the law ſhould be rendered plain, therefore,

Levy court to meet, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the levy court of the coun
ſaid be and are hereby authoriſed and required to meet on the firſt Monday of June next, an
ſame day in every year thereafter, at the court-houſe in the ſaid county, and when ſo met,
levy court ſhall be and are hereby authoriſed and required to deſcribe, aſcertain, and diſtri
cord in a well bound book to be provided for that purpoſe, the ſeveral and reſpective public
the ſaid county, and to nominate and appoint capable and proper perſons as overſeers of th
and reſpective public roads aforeſaid, according to the number and diviſions of the ſaid r
the ſame ſhall be aſcertained upon their records; provided nevertheleſs, that the ſaid roads
ſo apportioned, divided and deſcribed, as not to require a greater number of overſeers t
in any one hundred of the ſaid county; and that the ſaid levy court may adjourn from da
until the ſaid roads ſhall be duly aſcertained, and overſeers appointed as aforeſaid.

Clerk to attend, &c.

III. AND BE IT ENACTED, That the clerk of the county court of ſaid county ſhall attend
levy court at the meetings aforeſaid, and ſhall make fair entries and records of the proce
virtue of this act, and ſhall, within the ſpace of ten days after the appointment of ove
aforeſaid, iſſue warrants to the ſaid overſeers, under his hand, and the ſeal of his office,
the ſaid perſons of their appointments reſpectively, as overſeers of the ſaid roads; and
clerk ſhall, within the time aforeſaid, deliver the ſaid warrants to the ſheriff of the ſai
and ſhall take the receipt of the ſheriff for the ſame; and the ſaid ſheriff ſhall be and he
authoriſed and required, within the ſpace of twenty days after receiving the ſaid warrants,
the ſame to the reſpective perſons appointed overſeers as aforeſaid, and to take their ſevera
for the ſame; and if any of the ſaid overſeers ſhall refuſe to receive their reſpective war
ſaid ſheriff ſhall leave the ſame at their reſpective places of abode, and certify to the
court thereof; and if the clerk or ſheriff of the ſaid county ſhall neglect or refuſe to exe
perform the reſpective duties herein before required, within the reſpective periods limitted
ſaid, the ſaid clerk or ſheriff, ſo neglecting or refuſing, ſhall forfeit and pay a ſum not e
thirty dollars for each offence.

Penalty on overſeers for refuſing to ſerve.

IV. AND BE IT ENACTED, That each and every perſon, ſo appointed overſeer as afore
ſhall neglect or refuſe to accept of his appointment, after receiving his warrant as afore
forfeit and pay a ſum not exceeding ten dollars; provided nevertheleſs, that no member of
lature, magiſtrate, clergyman, ſchoolmaſter, practiſing attorney, coroner, ſheriff, depu
conſtable, phyſician, or commiſſioner of the tax, ſhall be liable to ſerve as overſeers of the
without his or their conſent; and provided alſo, that no perſon ſhall be compellable to act a
of any road more than one year in every three years, without his conſent.

Overſeers to keep the roads cleared, &c.

V. AND BE IT ENACTED, That it ſhall be the duty of the ſaid overſeers to keep all t
roads in the ſaid county well and ſufficiently cleared and grubbed, fit for travelling, tw
wide at the leaſt, and to make and keep good and ſubſtantial bridges over all the heads
creeks, branches and ſwamps, where the ſame ſhall be neceſſary, for the convenient and ea
of travellers, with their waggons, carts, carriages, horſes and cattle, and to remove all
which may obſtruct or annoy their paſſage, and well and ſufficiently to cauſeway all and ſing
places in and upon the ſaid roads as ſhall require the ſame; provided always, that nothing i
ſhall be conſidered to make it the duty of overſeers of the roads aforeſaid to make or r
bridge or bridges above fifteen feet in length, but they ſhall continue to be built and repai
ſame manner as at preſent.

Penalty for neglect, &c.

VI. AND BE IT ENACTED, That if any of the ſaid overſeers ſhall not well and ſufficie
grub, amend and repair, the ſaid ſeveral and reſpective roads committed to their charge
reaſonable time after the ſame ſhall be out of repair, or ſhall not make and keep in repair

tial bridges over the heads of rivers, creeks, branches or ſwamps, where the ſame ſhall be ry as aforeſaid, or ſhall not remove all nuiſances from the ſaid roads, or ſhall not well and ntly cauſeway all and ſingular ſuch places in and upon the ſaid roads as ſhall require the ſame, permit or ſuffer any fallen trees, or other obſtruction, to remain in or acroſs any of the ſaid roads for the ſpace of two days after notice thereof, or ſhall neglect to fell, or cauſe to be nd removed, all decayed or dead trees on either ſide of the ſaid public roads, whoſe limbs or them hang over the ſame, and may by their falling injure travellers, or ſhall not lop and cut limbs or branches of trees hanging or projecting over the ſaid roads, within fifteen feet above face thereof, or ſhall in any other manner fail or neglect to perform the duties of an overſeer aid roads, according to the directions of this act, every ſuch overſeer, ſo failing or neglect- ll forfeit and pay a ſum not exceeding five dollars for every offence, except in the time of harveſt.

They may dig and remove ſtones, &c.

AND BE IT ENACTED, That it ſhall and may be lawful for the ſeveral and reſpective over- the ſaid roads, and they are hereby authoriſed and empowered, as often as need ſhall re- o dig, take and remove, any ſtones, gravel or earth, which may be found on any land ad- the roads for which the ſame may be neceſſary, and to employ the ſame in the repairing of roads; and for the making or repairing of bridges over the heads of rivers, creeks, s, ſwamps, or other low and miry places, through and over which the ſaid roads may paſs, to n, or cauſe to be cut down, any tree or trees growing on any of the next adjacent lands to ces where bridges or cauſeways may be neceſſary as aforeſaid, and the ſame trees to maul y away off ſuch lands, and to apply the ſame to the making or repairing of the ſaid bridges eways; provided always, that no encloſures ſhall be laid open or entered into to obtain the materials aforeſaid, or any of them, without the conſent of the owner or owners thereof.

Compenſation to be made, &c.

AND BE IT ENACTED, That due compenſation be made or ſecured to him or them by the for the ſeveral materials aforeſaid, according to the full value thereof, in ſuch manner as levy court ſhall direct and appoint.

Overſeers to call on all free male inhabitants, &c.

ND BE IT ENACTED, That the ſaid overſeers ſhall have power, and they are hereby autho- d required, to call for all and ſingular the able bodied free male inhabitants of their re- limits above the age of twenty-one years, and under the age of fifty years, and upon all and the able bodied male ſervants and ſlaves reſiding therein above the age of ſixteen years, and e age of fifty years, to labour and aſſiſt in clearing, amending, improving and repairing, al and reſpective roads aforeſaid, and to require ſuch and ſo many of the ſaid perſons as l from time to time deem neceſſary, to aſſemble at ſuch place within their reſpective limits, id overſeers ſhall ſeverally appoint, with ſufficient implements, and thereupon to proceed in ution of ſuch work upon the ſaid roads, for the improvement and repair thereof, as the re- overſeers ſhall order and direct; and the ſaid overſeers ſhall alſo have power to hire and carts and teams for the carrying and removing all ſuch ſtones, dirt, gravel and timber, as eemed requiſite for repairing and completing the ſaid roads and bridges, and the expence of s and teams ſhall be levied upon the county.

Take a liſt of names, &c.

ND BE IT ENACTED, That within one month after the receipt of their reſpective warrants, al overſeers aforeſaid, under the direction of the ſaid levy court, ſhall take down a proper liſt mes of all and ſingular the able bodied free male inhabitants reſiding therein above the age y-one years, and under the age of fifty years, and of all the able bodied male ſervants and ove the age of ſixteen years, and under the age of fifty years; and the ſaid overſeers ſhall d impartially call for and require the labour of all and ſingular the perſons aforeſaid, alter- nd in ſuch convenient numbers and claſſes as to place the burthen of their ſervice equally provided nevertheleſs, that in the labour of the ſaid perſons ſhall not be called forth for the of this act during the ſeaſon of wheat harveſt, nor in ſuch manner as to take more than number of perſons aforeſaid belonging to one family at the ſame time.

Summon the claſs arranged, &c.

ND BE IT ENACTED, That as often as the ſaid overſeers ſhall judge it neceſſary to call upon inhabitants for their labour in and upon the ſaid roads, they ſhall ſummon, or cauſe to be d, the number and claſs which they ſhall have previouſly arranged, having had regard to tity and quality of work neceſſary to be done upon the ſaid roads, giving each free perſon work upon the ſame, and the maſter, miſtreſs or overſeer of each ſervant or ſlave aforeſaid, notice at the leaſt, of the time and place appointed for their labour, except in ſuch extraor- ſes as may require a ſhorter notice, and every free perſon liable to work upon the roads, ſo

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ſummoned, ſhall be obliged to attend in perſon, or to provide a ſufficient ſubſtitute; and if any p being ſo ſummoned, ſhall neglect or refuſe to attend, or to provide a ſufficient ſubſtitute, he ſha feit and pay the ſum of one dollar for each offence; and if any perſon ſhall attend, and not p the reaſonable labour required of him by the overſeer of the road, according to his ability, h be adjudged a defaulter, and ſhall incur the ſame penalty as if he had neglected to attend; caſe the maſter, miſtreſs or overſeer, of any ſervant or ſlave, upon being notified as aforeſaid refuſe or neglect to ſend ſuch ſervant or ſlave, ſuch maſter, miſtreſs or overſeer, ſhall for pay the ſum of one dollar for every ſervant or ſlave ſo refuſed or neglected to be ſent; and overſeer appointed by virtue of this act ſhall be authoriſed and empowered to inflict corporal p ment, not exceeding ten ſtripes, upon every ſervant or ſlave who ſhall, when attending, re perform reaſonable labour.

And keep a liſt of all defaulters, &c.

XII. AND BE IT ENACTED, That it ſhall be the duty of the ſaid overſeers to keep a true a per liſt of all and every perſon or defaulter, who, being ſummoned as aforeſaid, ſhall neglect fuſe to attend at the times and places appointed as aforeſaid, or if attending, ſhall not perf reaſonable labour, and of every maſter, miſtreſs or overſeer of ſervants and ſlaves, who ſha the penalty aforeſaid; and the ſaid overſeers of roads ſhall, once in every ſix months, ca each and every of the ſaid perſons liable to a fine or fines, and demand the payment of all a gular the ſums of money by them ſo forfeited, and on refuſal or neglect to pay the ſame, t overſeers ſhall proceed to recover the ſame before a ſingle magiſtrate, by due courſe of law; ſaid overſeers ſhall annually render their reſpective accounts of all fines and forfeitures rece them reſpectively in virtue of this act to the ſaid levy court, upon oath, or affirmation, and amount thereof in ſuch manner as the ſaid levy court ſhall order and appoint.

How vacancies are to be filled.

XIII. AND BE IT ENACTED, That if any of the overſeers ſo to be appointed ſhall refuſe remove, become diſqualified, or die, it ſhall and may be lawful for any two of the neighbour tices of the peace to ſupply every vacancy ſo happening, by the appointment of another perſ they ſhall certify every ſuch appointment, under their hands, to the clerk of the county cou ſhall record the ſame, and within ten days thereafter ſhall iſſue a warrant to the perſon ſo app and deliver the ſame to the ſheriff, to be ſerved upon the party as herein before directed.

Overſeer's allowance.

XIV. AND BE IT ENACTED, That every overſeer ſo to be appointed by virtue of this a reſpectively be allowed a ſum, not exceeding twenty dollars by the year, for the performanc ſeveral duties required of them by this act, which allowance ſhall be paid to them by levy court out of the fines and forfeitures impoſed and levied by this act, and if found ſufficient for this purpoſe at the expiration of every year, the deficiency ſhall be aſſeſſed an upon the county in the ſame manner as other public charges.

Juſtice may iſſue his warrant, &c.

XV. AND BE IT ENACTED, That any of the juſtices of the ſaid levy court, who, upon view, or on the information, oath or affirmation, of one or more credible witneſs or witneſ diſcover or be ſatisfied that any bridge, road or cauſeway, is out of repair, from the neglect of the overſeer within whoſe limits the ſame ſhall be, except in time of wheat harveſt, ſha thoriſed to iſſue his warrant, in the name of the ſtate, againſt ſuch overſeer, directed to the ble of the hundred, are returnable before himſelf, or ſome other juſtice of the levy court, w proceed to give judgment according to the merits of the caſe, and if judgment ſhall be againſt him for the fine or forfeiture impoſed by this act, and if he ſhall not pay the ſame, juſtice may thereupon iſſue proceſs of execution for the recovery thereof, and the ſame ſha counted for and paid to the order of the ſaid levy court; provided nevertheleſs, that nothin contained ſhall prevent any of the ſaid overſeers offending againſt the proviſions of this being preſented by the grand jury for any neglect of duty not before puniſhed by any of th of the ſaid levy court as aforeſaid.

And receive fines, &c.

XVI. AND BE IT ENACTED, That the juſtices of the levy court reſpectively ſhall be a and empowered to receive any fine or fines for which they may reſpectively render judgme any overſeer of the road in ſaid county, and ſhall account with and pay over to the ſaid le annually all monies which they may have reſpectively received in virtue of this act, u penalty of paying treble the amount thereof in caſe of failure or neglect.

XVII. AND, whereas it may be proper and neceſſary to veſt a competent power in the le to turn, alter or ſtreighten roads in the county aforeſaid, where the proprietors of the lands which the roads intended to be ſo turned, altered or ſtreightened, may paſs, are willing an

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On application, road may be turned, &c.

…senting to applications of this nature; therefore, BE IT ENACTED, That upon the application …ting from two thirds of the proprietors of the lands through which any public road or roads …ass, or be prayed to pass, petitioning for the turning, altering or streightening, a public road …ds, it shall and may be lawful for the said levy court, upon being satisfied that the granting of …etition will be of public convenience, and they are hereby authorised and empowered, to di…e surveyor of the said county to lay out such road, agreeably to the prayer of such petition, …such other manner as they shall think most expedient, not exceeding thirty feet in breadth, …t the consent of the said proprietors, and to make return of such location with all convenient … and after such road shall be surveyed and laid out agreeably to the intentions of this act, the …urt shall direct the application for such road, and the order and proceedings thereupon, and the … of the surveyor, to be enrolled among their records, and thereupon and thereafter such road …e deemed and considered to be a public road, and shall be kept up and repaired as other public …n the said county; provided, that no such application shall affect the lands of infants, persons …*notes mentis*, or persons beyond the limits of this state, until the said disabilities shall be re-

Penalty on altering, &c. any road, &c.

…II. AND BE IT ENACTED, That if any person or persons shall alter or change, or in any …r obstruct, any of the said roads, or any part or parts thereof, or cut down, destroy or in…ny of the bridges, causeways, boundaries, marks or directions therein or thereon, without …nce of the levy court obtained as aforesaid, every such person or persons, being thereof con…in the county court, shall forfeit and pay a fine, in the discretion of the court, not exceeding …of fifty dollars, according to the nature of the offence.

Top of dams to be made twelve feet wide, &c.

…AND BE IT ENACTED, That where any person or persons have built, or shall build, in the …aforesaid, a mill or mills on any branch or run where any public or main road crossed, or …ross, and have erected, or shall erect, any dam for such mill or mills, such person or persons, …wner, possessor or occupier, of such mill or mills, shall and they are hereby obliged to make … of the said dam twelve feet wide at the least, and make good and substantial bridges over …e and race of the said mills and dams, and the same keep in good repair; and where any …eafter to be erected shall obstruct any public road, and it shall be thought convenient by …y court where such mill is so erected, that the said public road shall pass below the …the said mill, or where such public road now passes below the dam of any such mill or …at then and in such case the owner or owners, possessor or occupier, of such mill or mills, …d they are hereby required to raise and make a good and sufficient causeway or cause…ross the branch or run on which the said mill is built, twelve feet wide at the least, and make …nd substantial bridge over the tail of the said mill, and the same keep in good repair; and if …er or owners, possessor or occupier, of any such mill or mills, shall refuse or neglect to do …by this act required, and shall be thereof legally convicted, he, she or they, shall forfeit and …m not exceeding forty dollars for each neglect or offence; provided, that such person or … owner or owners, possessor or occupier, of such mill or mills, shall not be obliged to work …r send any of their labourers or hands who shall reside in the precinct of such public … work on, any part of such road, except such milldam, causeway, race and waste, as afore-

Persons building mills to make good bridges, &c.

…AND BE IT ENACTED, That where any person or persons have built, or shall hereafter build … any mill in the county aforesaid, on any branch or run below the places where public or …ds did or shall cross such branch or run, and by the building and erecting of such mill, or …the same, the public or main road which crossed, or shall cross, the branch or run as afore…or shall be any way affected or injured, or the passage therein any way obstructed or rendered …or incommodious, such person or persons, or the owner, possessor or occupier, of such mill … shall and they are hereby obliged, by the last day of June next, where such mill or mills …eady been built, or within one month after the building of any other mill or mills stopping …ing the course of the water as aforesaid, to make good and sufficient bridges and causeways, …eet wide at the least, over the said branches or runs at the places where the public or main …ossed, or shall cross, such branches or runs as aforesaid, and the said bridges and causeways … and keep in good repair, under a penalty not exceeding forty dollars for each neglect or … provided, that such person or persons, owner or owners, possessor or occupier, of such mill … shall not be obliged to work upon, or send any of their labourers or hands who shall reside …ecinct of such public road to work on, any part of such road, except on such bridges and …s as aforesaid.

XXI. AND

CHAP. LXXXI. Overſeers exempt, &c.

XXI. AND BE IT ENACTED, That each and every overſeer to be appointed by virtue of thi ſhall, if they accept of their ſaid appointment, be exempted from ſerving on juries to the ge court for and during the time they ſhall reſpectively ſerve as overſeer.

Several acts repealed.

XXII. AND BE IT ENACTED, That from and after the firſt day of July next, that the act o ſembly paſſed at October ſeſſion, one thouſand ſeven hundred and four, entitled, An act for marking of highways, and making the heads of rivers, creeks, branches and ſwamps, paſſabl horſe and foot, and the ſeveral ſupplementary acts thereto, the act paſſed at September ſeſſion thouſand ſeven hundred and twenty-three, entitled, An act directing the manner of recove fines for not appearing at the clearing of the highways, the act of aſſembly paſſed at October ſ one thouſand ſeven hundred and fifty-three, entitled, An act for repairing public roads i province, and the ſupplement thereto, the act paſſed at November ſeſſion, one thouſand ſeven dred and ninety-four, entitled, An act relating to public roads in this ſtate, and to repea acts of aſſembly therein mentioned, and the ſupplements thereto, ſo far as they relate to county, be and the ſame are hereby repealed.

CHAP. LXXXII.

Paſſed 3d of Jan. 1800.

An ACT for appointing a wreck-maſter in Worceſter county.

JG. No. 3. fol. 346.

Preamble.

WHEREAS from the expoſure of the ſouth-eaſt bounds of Worceſter county to the At ocean, many veſſels have been and may hereafter be ſtranded on the ſea-coaſt in the c aforeſaid, and the goods, or other property, belonging to ſuch veſſel or veſſels may be embezzle ſtolen, to the great injury of the owners or inſurers, and it would be highly expedient to app wreck-maſter in ſaid county; therefore,

A wreck-maſter to be appointed, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That it ſhall be lawful for the gov by and with the advice and conſent of the council, and he is hereby required, to nominate a point one diſcreet and ſenſible perſon, reſiding on or near the bay or ſea ſhores of Worceſter c to act in the office of a wreck-maſter, whoſe buſineſs and duty it ſhall be, on the earlieſt intelli or on application to him made by or on behalf of any owner or commander of a ſhip or other being in danger of being ſtranded, or being ſtranded, to command any conſtable or conſtables appointed by him for that purpoſe, neareſt the coaſt where ſuch ſhip or veſſel ſhall be in dan ſummon as many men as ſhall be thought neceſſary to the aſſiſtance of ſuch ſhip or veſſel; and i ſhall be any ſhip or veſſel belonging to any citizen of this ſtate riding near the place, the maſter ſhall have power to demand of the commanding officer of ſuch ſhip or veſſel aſſiſtance b boats, and ſuch hands as they can conveniently ſpare; and if any commanding officer ſhall neg give ſuch aſſiſtance, he ſhall forfeit one hundred pounds, to be recovered by the officer or ow the ſhip in diſtreſs, with coſts, in any court of record within this ſtate; and the wreck-maſte the commanding officer of any ſhip or veſſel, and all others who ſhall aſſiſt in preſerving any other veſſel in diſtreſs, or their cargoes, ſhall, within forty days, be paid a reaſonable reward commander or owner of the ſhip or other veſſel in diſtreſs, or by the merchant whoſe veſſel o ſhall be ſaved, and in default thereof the veſſel or goods ſhall remain in the cuſtody of the maſter until all charges be paid, or ſecurity given for that purpoſe, to the ſatisfaction of the p and in caſe the parties ſhall diſagree, touching the monies deſerved by the perſons employed, be lawful for the commander of ſuch veſſel ſaved, or the owner, ſupercargo or factor, of the or merchandiſe ſaved, to call on either of the aſſociate juſtices of the ſaid county, giving the intereſted at leaſt five days notice of the time and place, for determining the quantum of ſal compenſation to be paid, who is hereby authoriſed to determine the ſame in a ſummary wa whoſe judgment and determination ſhall be concluſive; and if the amount of ſuch ſalvage ſ adjudged be not paid within thirty days thereafter, the wreck-maſter is hereby authoriſed to ſ of the goods, wares, merchandiſe, or articles ſaved, to the amount of the judgment, ſo dete by the aſſociate juſtice, from whoſe judgment or deciſion an appeal ſhall lie to the chief juſtice diſtrict, by any perſon or perſons who ſhall or may conſider him or themſelves aggrieved by ſ termination of the aſſociate juſtice, whoſe duty it ſhall be to determine the ſame within thir after ſuch appeal, and if no appeal ſhall be made within ten days after ſuch determination a ſion of the aſſociate juſtice aforeſaid, ſuch determination and deciſion ſhall be final and conc and if no perſon ſhall claim the goods ſaved, the wreck-maſter ſhall take poſſeſſion thereof, a a true deſcription of the marks, numbers and kinds of ſuch goods, to be advertiſed four week Eaſton, Baltimore and Philadelphia news-papers; and if no perſon ſhall claim the ſame withi months, public ſale ſhall be made thereof by the ſaid wreck-maſter, (but if periſhable, th

e forthwith ſold,) and after charges deducted, the reſidue of the money, with an account of hole, ſhall be tranſmitted to the treaſurer, who ſhall keep an account of the ſame for the bene- the owners or inſurers, who, upon proof of his, her or their property, to the ſatisfaction of ditor, ſhall, upon his warrant, receive the ſame; if any perſon, beſides thoſe empowered by reck-maſter, ſhall enter or endeavour to enter on board any veſſel in diſtreſs, without the leave commanding officer, or in caſe any perſon ſhall moleſt him or them in ſaving the veſſel or goods, l endeavour to hinder the ſaving ſuch veſſel or goods, or ſhall deface the marks of any ſuch before they be taken down in a book by the wreck-maſter, every perſon ſhall forfeit and pay n of fifty pounds, to be recovered, with coſts, by action of debt in any court of record within ate, and applied to the uſe of the owners of the veſſel or goods, as the caſe may be, and in failure to pay ſuch forfeiture immediately, or giving ſecurity to pay the ſame within one he, ſhe or they, ſhall receive not exceeding thirty-nine laſhes on his, her or their bare back, r of ſuch court; it ſhall be lawful for any commanding officer of a veſſel in diſtreſs, or the maſter, to repel by force any perſons who ſhall, without conſent as aforeſaid, preſs on board ſſel in diſtreſs, and thereby moleſt them in preſerving the veſſel or goods; and in caſe any hall be found upon any perſon that were ſtolen or carried off from any veſſel in diſtreſs, the on whom ſuch goods be found ſhall, upon demand, deliver the ſame to the owner or wreck- or to ſuch other perſon as ſhall be authoriſed by the wreck-maſter or owner to receive ſuch or ſhall be liable to pay four times the value, to be recovered, with coſts, in any court of if any perſon ſhall make, or be aſſiſting in making, a hole in any veſſel in diſtreſs, or ſteal mp, materials or goods, or ſhall be aiding in ſtealing ſuch pump, materials or goods, from any or ſhall wilfully do any thing tending to the immediate loſs of ſuch veſſel, ſuch perſon ſhall be f felony, and ſuffer death without benefit of clergy.

Penalty for being guilty of fraud, &c.

AND BE IT ENACTED, That if any wreck-maſter ſhall, by fraud or wilful neglect, abuſe the poſed in him, he ſhall, upon conviction thereof, forfeit and pay four times the damages to the grieved, to be recovered, with coſts, by action on the caſe, in any court of record, and ſhall orth be incapable of acting as a wreck-maſter; any conſtable, or perſon ſummoned by him, or neglecting to give the aſſiſtance required for the ſaving of any veſſel, or the cargo, ſhall nd pay, to the uſe of Worceſter county, the ſum of ten pounds, to be recovered before any y the wreck-maſter ordering the duty, and ſhall be moreover ſubject to the payment of the nages, and to be recovered by the party aggrieved in the ſame manner, as in caſe of a wreck- the wreck-maſter ſhall ſet up a copy of this act once in every year in the court-houſe of the nty.

Proviſo.

ROVIDED ALWAYS, AND BE IT ENACTED, That the wreck-maſter appointed by virtue of ſhall give bond and ſecurity, in the court of the county where he reſides, in the ſum of one pounds, for the due and faithful execution of his office; and that it ſhall not be lawful for ck-maſter to enter upon the duties of his office before he gives bond and ſecurity as aforeſaid.

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Paſſed 3d of Jan. 1800.

ditional ſupplementary act to the act (a) to regulate public ferries.

. JG. No. 3. fol. 348.

(a) November, 1781, ch. 22.

Preamble.

EREAS ſince the paſſage of the original act to regulate public ferries, divers individuals ave ſet up ferries, which have been found beneficial to the public, and ought to be regulated nd it may happen, that by the alteration of old roads, or the laying out of new roads, lead- eeks and rivers, it may be neceſſary to eſtabliſh new ferries, in order to render ſuch roads le to the community, and in every ſuch caſe ſuch new ferries ought alſo to be regulated by refore,

Ferries ſet up to be eſtabliſhed, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That in any caſe where individuals have w ferries ſince the paſſage of the ſaid original act, which have been found beneficial and , it ſhall and may be lawful for the juſtices of the county court of the county reſpectively uch ferry ſhall have been ſo ſet up, and they are hereby authoriſed and empowered, in their , to eſtabliſh and regulate ſuch ferry agreeably to the reſpective acts of aſſembly provided ſes, and to aſcertain the prices of ferriage, and the number of boats and hands to be em- nd to require the recognizance of any perſon keeping the ſame, in like manner, to all d purpoſes, as if ſuch ferry had been kept and eſtabliſhed at the time of the paſſage of the al act.

III. AND

CHAP. LXXXIII. New ferries may be eſtabliſhed, &c.

III. AND BE IT ENACTED, That when and ſo often as it ſhall happen, that by the lawful ... tion of an old road, or the opening of a new road, leading to any creek or river, a communi... over and acroſs the ſame, by means of a ferry, ſhall, in the judgment of the reſpective county ... be deemed uſeful and neceſſary, in every ſuch caſe it ſhall be lawful for the juſtices of the ſaid ... courts, and they are reſpectively hereby authoriſed and empowered, to eſtabliſh and regulate a ... ferry at every ſuch place, and to licenſe any approved perſon or perſons to keep the ſame, ... aſcertain the prices of ferriage thereat, and the number of boats and hands to be employe... to require recognizances, with ſufficient ſecurities, for keeping the ſame, in like manner, ... intents and purpoſes, as the ſaid courts are now required by law to do in caſes of ferries her... eſtabliſhed.

Penalty for keeping ferry without licence, &c.

IV. AND BE IT ENACTED, That if any perſon or perſons whatever ſhall, after the firſt ... April next, preſume to keep a ferry for hire or reward at any place where a ferry is now, ... hereafter be eſtabliſhed, without obtaining a licence, and entering into a recognizance, and ... ing with the ſeveral requiſites directed by the exiſting laws in relation to ferries, every ſuch ... ſhall forfeit and pay the ſum of fifty dollars for every offence, and moreover ſhall be ſubject to ... ſingular the like penalties as are impoſed upon licenſed ferrymen for neglect of duty.

Court, in certain caſes, may iſſue a warrant, &c.

V. AND BE IT ENACTED, That if the proprietor or proprietors of the land at any place n... as a public ferry, or where a public ferry may hereafter be eſtabliſhed or ſet up according to ... viſions of this act, ſhall refuſe or neglect for the ſpace of two months to take out a licence a... to this act, or to rent the houſes and land commonly uſed with, or neceſſary for, ſuch ferry, ... perſon to be approved of by the ſaid court, who will take out a licence for the ſame, or b... any diſability to take out a licence, or to rent as aforeſaid, by reaſon whereof the ſame ... delayed to be done, to the inconvenience of the public, for the ſpace of three months beyond ... nual time for granting ſuch ferry licences, in ſuch caſe the county court of the county in wh... land ſhall lie, ſhall iſſue their warrant to the ſheriff of their county, to ſummon twelve re... diſintereſted perſons, qualified by law to be jurymen, and alſo the ſurveyor of the county, ... on the premiſes, on a day by him to be appointed, of which due and timely notice ſhall be ... the ſaid ſheriff to the owner or owners, poſſeſſor or poſſeſſors, of ſuch land; and the ſaid j... then and there, upon viewing the place, determine how much land, not exceeding two ac... not including the dwelling-houſe, garden, orchard or meadow, of the owner or poſſeſſor, or ... thereof, ſhall be neceſſary and moſt convenient to be laid off for the uſe of ſuch ferry, and ... ſurveyor, under their direction, ſhall ſurvey and lay off the ſame, and make a correct plot an... cate thereof, and ſhall deliver the ſame to the ſaid ſheriff, to be returned to the ſaid county ... and the ſaid jury ſhall then and there eſtimate the value of the ſaid land, in doing which t... take into conſideration all the advantages of its ſituation for the purpoſes of keeping a ... purſuing any other buſineſs, having firſt taken an oath, or affirmation, as the caſe may be, j... impartially to value the ſaid land; and they ſhall make an inqueſt of their proceedings as a... under their hands and ſeals, which ſhall be returned by the ſaid ſheriff, with the certificate ... aforeſaid, to the next county court; and if the proprietor of the ſaid land ſhall think himſelf a... by the quantity of land laid off, or by the manner of laying off the ſame, or by the ... thereof by the ſaid jury, it ſhall and may be lawful for him or her to apply to the ſaid coun... at any time before the end of the next court to that at which the inqueſt aforeſaid ſhall be ... who may, in a ſummary way, examine the ſaid proceedings, and ratify or correct the ſame ... the particulars above mentioned, and ſhall thereupon order and adjudge that the ſaid l... thenceforward become the property of the ſaid county for ever, upon the value thereof as ... being paid to the ſaid owner or owners; and the clerk of the ſaid county court ſhall tranſm... of ſuch order and judgment of the ſaid court, and a certificate of the valuation of the l... demned, to the levy court of the ſame county, who ſhall aſſeſs and levy the ſame in the ſam... as other county expences, and ſhall order ſuch ſum, when levied, to be paid over to the ... perſons entitled to receive the ſame, as being intereſted in ſuch condemned land; and it ſh... upon be lawful for the ſaid court to direct the neceſſary buildings to be erected there... expence of the county, and the ſame ſhall be annually rented out by them for the uſe and ... the ſaid county; provided always, that in caſes of infancy, or other legal diſability, it ſhall ... be lawful for ſuch infant or other perſon, or his or her legal repreſentative, whoſe land ma... demned under the proviſions of this act, at any time within three years after the remova... diſability, to repay to the levy court aforeſaid, or their collector, the amount of the va... ſuch condemned land, if the ſame ſhall have been paid as above directed, and alſo the real ... the time of ſuch diſability being removed, of any buildings or other improvements that ... been erected thereon at the expence of the county, or if the ſame be refuſed, to make

and such condemned property, with the improvements thereon, shall revert to and become the property of such person as fully as the same would have been if such condemnation had taken place.

A section repealed. * Chapter 22.

AND BE IT ENACTED, That the third section of the act passed at November session, in the thousand seven hundred and eighty-one, * entitled, An act to regulate public ferries, be same is hereby repealed.

Duration.

This act to continue and be in force during the continuance of the act to which this is an al supplement.

Viz. to the 30th October, 1805, &c.

CHAP. LXXXIV.

Passed 3d of Jan. 1800.

CT relating to certain public roads in Anne-Arundel county. Lib. JG. No. 3. fol. 350.

Preamble.

EREAS it has been represented to this general assembly, by sundry inhabitants of Anne-Arundel county, that they labour under great inconveniencies for want of a road from the obinson's, to lead through the lands of Thomas Chaney, Randall and Dobbin, and of Mrs. y, till it intersects the public road leading from Baltimore-town to the Magothy mountains, for want of one other road from the said widow Robinson's, running by Waters's mill, and the lands of Benjamin Gambrill, till it intersects the mountain road leading to Patapsco d this general assembly thinking the prayer thereof reasonable, therefore,

Commissioners appointed, &c.

IT ENACTED, *by the General Assembly of Maryland*, That Richard Cromwell, Dorsey Jacob ard Merriken, or any two of them, be and they are hereby appointed commissioners, to y out and open, a road, not exceeding thirty feet wide, in such direction as the situation ound will admit, from the widow Robinson's, leading through the lands of Thomas Chaney, nd Dobbin, and Mrs. Pumphrey, till it intersects the public road leading from Baltimore-he Magothy mountains, and to lay out and open a road from the said widow Robinson's, Waters's mill, and so through Benjamin Gambrill's land, till it intersects the mountain ng to Patapsco ferry; and the said roads, so surveyed, laid out and opened, and the valua-n after directed to be made shall have taken place, and the expences of surveying, laying ening, said roads, and the amount of valuation, shall have been paid by the parties therein shall be recorded in Anne-Arundel county land records, and shall be deemed and taken ic roads for ever thereafter, and kept up, amended and repaired, as all other public roads nty are kept in repair.

Damages to be ascertained, &c.

D BE IT ENACTED, That the said commissioners shall ascertain and value what damages tained by any person or persons through whose lands the said roads shall pass; provided al- if any person or persons through whose lands the said roads shall pass, or his, her or dians or trustee, shall conceive themselves aggrieved by such valuation and assessment of the said commissioners, it shall and may be lawful for said commissioners, or any two of ue their warrant to the sheriff of the county, commanding him to summon twelve good men of the county, not interested in the premises, and qualified to serve as jurors in the rt, to appear on a day by them to be appointed on the premises; and the said commissi- hereby authorised to administer an oath to every person so summoned, that he will, with- affection, prejudice or partiality, assess the damages at whose request such inquisition en, by reason of opening the aforesaid roads through his, her or their land; and the per- mmoned and sworn shall thereupon proceed to assess and value the damages accordingly, quisition shall be final and conclusive between the parties.

Not to go thro' buildings, &c.

D BE IT ENACTED, That the said commissioners shall not lay out or open the said roads buildings, gardens, orchards or meadows, of any person without his or her consent.

CHAP. LXXXV.

T to vest certain powers in the corporation of George-town, ontgomery county. Lib. JG. No. 3. fol. 352.

Mayor, &c. may oblige persons to pay, &c.

ACTED, *by the General Assembly of Maryland*, That the mayor, recorder, alderman and council-men of the corporation of George-town, be and they are hereby fully autho- powered, by a by-law or by-laws for that purpose ordained, to oblige all persons licensed

CHAP. LXXXV.

as ordinary-keepers and retailers of ſpirituous liquors within the juriſdiction of the corpora pay, for the uſe of the corporation, a ſum not exceeding five dollars.

Court to have the ſole power, &c.

II. AND BE IT ENACTED, That the mayor's court of the corporation of George-town ſh the ſole and excluſive power of granting ordinary and retailers licences within the juriſdictio corporation, and the perſon or perſons obtaining ſuch licence ſhall, at the time of receiving t pay to the mayor of the corporation the ſame ſum as is now directed by law to be paid for cence for the uſe of the ſtate, and ſuch further ſum, for the uſe of the corporation, as the tion may direct by their by-laws as herein before empowered.

Mayor to give bond, &c.

III. AND BE IT ENACTED, That the mayor of the corporation of George-town for the ti ſhall enter into bond, with ſecurity, to the ſtate of Maryland, conditioned, that he ſhall truly pay over to the treaſurer of the weſtern ſhore all ſums of money by him received for t the ſtate for ordinary and retailers licences, in the ſame manner and at the ſame time as the the ſeveral county courts are by law directed, which bond ſhall be lodged with the clerk of ral court of the weſtern ſhore.

Book to be delivered, &c.

IV. AND BE IT ENACTED, That the clerk of Montgomery county court be and he is h rected to deliver to the order of the mayor of the corporation of George-town, the book n ſited in his office containing the plan of George-town, and that the ſame be depoſited with of the mayor's court of the corporation of George-town.

CHAP. LXXXVI.

Paſſed 3d of Jan. 1800.

An ACT to reſtrain ſheriffs and others from ſummoning app in certain caſes. Lib. JG. No. 3. fol. 352.

No appraiſer to be ſummoned.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That from and after the firſt day of no ſheriff or conſtable ſhall ſummon any appraiſer or appraiſers, on his laying a writ *fieri facias* iſſued by or under the authority of any juſtice of the peace in this ſtate on the real or perſonal, of any debtor, or on any ſuperſedeas on ſuch judgment.

CHAP. LXXXVII.

* 1789, ch. 26.

An additional ſupplement to an act, * entitled, An act to regul inſpection of tobacco. Lib. JG. No. 3. fol. 353.

Sum to be paid, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That for every hogſhead of tobacco after the paſſage of this act at the warehouſe at Elk-Ridge Landing, in Anne-Arund and at Emerſon's warehouſe, in Talbot county, and at the ſeveral warehouſes now eſt Charles and Saint-Mary's counties, or hereafter to be eſtabliſhed, there ſhall be paid to th or inſpectors delivering the ſame the ſum of ſeven ſhillings and ſix-pence current money to defray the inſpectors ſalaries and warehouſe rent; and for every hogſhead of tobacco i any of the warehouſes aforeſaid, the juſtices of the levy court of the counties aforeſaid, rity of them, ſhall allow the proprietor of the warehouſe a ſum not exceeding five ſhilling than two ſhillings.

Part of an act repealed. * 1795, ch. 71.

II. AND BE IT ENACTED, That ſo much of the fifth ſection of a further additional ſup to an act, entitled, An act to regulate the inſpection of tobacco, as is inconſiſtent with the herein contained, be and the ſame is hereby repealed.

Juſtices to licenſe a warehouſe, &c.

III. AND BE IT ENACTED, That the juſtices of the levy court of Baltimore county, or of them, are hereby authoriſed and empowered to licenſe the erection of an additional for the inſpection of tobacco in the city of Baltimore, at the head of the baſon, in the hood of the warehouſe belonging to Adrian Valck, and that the proprietor or proprie warehouſe ſo to be erected ſhall receive at the rate of one dollar on each hogſhead of toba inſpected, as a compenſation for the expence of erecting and keeping in repair ſaid ware in lieu of rent, to be paid before ſuch hogſhead ſhall be removed.

And nominate perſons, &c.

IV. AND BE IT ENACTED, That the juſtices of the levy court of ſaid county, or a them, ſhall, when the ſaid warehouſe is erected and fit to receive tobacco, nominate and to the governor and council three perſons, of whom the governor, with the advice of t ſhall appoint and commiſſion one, to be inſpector of ſaid warehouſe, in the manner dire

acts to regulate the inſpection of tobacco, and the ſaid levy court ſhall aſcertain his ſalary, CHAP. LXXXVII.
ovide weights and ſcales at the expence of the proprietor or proprietors aforeſaid; and that
d warehouſe, when ſo erected, ſhall be in all reſpects under the ſame regulations as other
uſes in Baltimore county, except the building and keeping the ſame in repair, which ſhall be
the expence of the proprietor or proprietors.

CHAP. LXXXVIII.

ACT for the relief of ſundry inſolvent debtors. Lib. JG. No. 3. fol. 354.

Paſſed 3d of Jan. 1800.

Preamble.

HEREAS Benjamin Gwinn Cole, of Saint-Mary's county, Matthew Greentree, John Betts, Hyland Gears, James Ringgold and St. Leger Meeks, of Kent county, Henry Gaſſaway, Davidge, Dennis Griffith and John Beard, of Anne-Arundel county, Thomas B. Clements, ndall Beall and Vernon Smith, of Charles county, Joſeph Burneſton, Job Garretſon, ſenior, ennedy, Alexander Coulter, Adam Murry Stewart and Chriſtopher Limes, of Baltimore James Wilſon, junior, Daniel Powell Cox and William Sharp, of Talbot county, Medford s and John Stanford, of Dorcheſter county, Jeſſe Reynolds and Jacob Bauldin, of Cæcil John Tilley, Charles Lecompte Nevitt, Richard Ponſonby, Thomas Nevitt, William Ma- William Reily, Edward Boteler, James Wilſon, John Thomas Froſt, David Roſs, Horatio edmond Grace and James Mewburn, of Prince-George's county, William Wootton Brewer, gby, George Jenings and John R. Bryce, of the city of Annapolis, Henry Tate, Joſeph Charles Ricketts, Samuel Brooks and Benjamin Skinner, of Queen-Anne's county, George Daniel Coſt, Theodore Beall, Joſias Clements, John Balzer, Iſaac Neſmith, Jacob Keller and Havnar, of Frederick county, Benjamin Preſton, Robert Gover, of Philip, Robert Harris, Willetts, James Oſborn, Nathan Hughes, John Chamberlaine, Samuel Chamberlaine, Samuel Abraham Jarrett and John W. Wilſon, of Harford county, Robert Dixon, James Courſey n Charles, of Caroline county, John Doyle, William Paine, junior, Alexander White, Ri- arner, William Myers, James Aſh, Samuel Foudray, John Kirwan, John Deaver, Reuben ames Hutton, John Colſton, Patrick Million, John Jenings, junior, John Young Daley, Krauſe, Richard Bevan, Caſper Kline, William Aſkew, George Deagan, William Ruſſell, eagan, Lewis Bernard, Greenbury Neale, William H. Buell, John Brice, Walter S. Hunt, Stonall, Matthew Clarke, Archibald Campbell, David Lund, William Smith, Thomas Nathan Cregg Bryſon, Robert Kent, John Chalabre, William Delaſere and James Kerr, of of Baltimore, Jonas M'Pherſon, James M'Cardell and Richard Burrell, of Waſhington ohn Yates, Robert E. Yates, William Robertſon, William Frazer, John N. Lovejoy, Ber- eill, Edward Eno, John G. Hobbs, Evan Belt, John Fleming, John Long, Jonathan Brown- r, Thomas Lingan, Thomas Nicholls, of John, Samuel Williams, William Smith and Jo- , of Montgomery county, Abel Sarjent, Samuel Selby, 3d, Peter D'Evecmon and Willi- oye, of Allegany county, William Cranch, Thomas Y. Sprogell and Samuel Baker, of the Waſhington, by their petitions to this general aſſembly have ſet forth, that by reaſon of ma- tunes they are unable wholly to ſatisfy their creditors, and have prayed, that they may be d, upon their delivering up all their property for the uſe of their creditors; and the prayer d petitioners being found reaſonable; therefore,

Chancellor, on application, to direct notice, &c.

IT ENACTED, *by the General Aſſembly of Maryland*, That on application of either of the ſaid o the chancellor, by petition in writing, offering to deliver to the uſe of his creditors all rty, real, perſonal or mixed, to which he is any way entitled, a ſchedule whereof, (on affirmation, as the caſe may require,) together with a liſt of the creditors of the perſon ſo on oath or affirmation, as far as he can aſcertain them, ſhall be annexed to ſuch petition, cellor ſhall direct perſonal notice of ſuch application to be given to the creditors, or y of them as can be ſerved therewith, or their agents or attornies, or direct notice of ſuch n to be inſerted in the public news-papers for ſuch time as he may think proper, which, in here being a creditor or creditors beyond ſea, ſhall not be leſs than ſix months, and on earance, or neglect to appear on notice, at the time or times and place appointed, the ſhall adminiſter to the petitioning debtor the following oath, or affirmation, as the require: "I, A. B. do ſwear, or ſolemnly, ſincerely and truly declare and affirm, will deliver up, convey and transfer, to my creditors, in ſuch manner as the chancellor rect, all my property that I have, or claim any title to or intereſt in, at this time, and all rights and claims, which I have, or am any way entitled to, in poſſeſſion, remainder or on, and that I have not, directly or indirectly, at any time, ſold, conveyed, leſſened or d of, for the uſe or benefit of any perſon or perſons, or intruſted, any part of my money, or

CHAP. LXXXVIII.

"other property, debts, rights or claims, thereby to defraud my creditors, or any of them, "secure the same to receive or expect any profit, benefit or advantage, thereby;" and the ch lor shall thereupon name such person as a majority of the creditors in value, their agen attornies, then present, shall recommend, to be a trustee for the benefit of the creditors petitioning debtor, or in case of the non-attendance of the creditors, or of their not making commendation, the chancellor shall name such person as he shall think proper, to be a tru aforesaid.

No person to be entitled to the benefit of this act but a citizen, &c.

III. AND BE IT ENACTED, That no person herein before mentioned shall be entitled to the fit of any of the provisions of this act, unless the chancellor shall be satisfied, by competent te ny, that he is, and at the time of passing this act was, a citizen of the United States, this state, and unless, at the time of presenting his petition as aforesaid, he shall produce chancellor the assent, in writing, of so many of his creditors as have due to them the amo two thirds of the debts due by him at the time of the passing of this act; provided, that creditors, not residing in the United States, and not having agents or attornies residing there empowered to act in their behalf, shall not be considered within the intent and meaning of this and provided also, that the chancellor may, without the assent of the creditors as aforesaid time to time order to be discharged from custody any of the said petitioners who may be in confinement in virtue of any process issued, or that may be issued, in pursuance of any debt time due and owing by him, which discharge is hereby declared to be a release only of the pe such debtor, but not of his property, unless the assent in writing of two thirds in value creditors as aforesaid be obtained.

Trustee to give bond, &c.

IV. AND BE IT ENACTED, That before such trustee proceeds to act, he shall give bond faithful performance of his duty, to such person, in trust for the creditors of said peti debtor, and in such penalty as the chancellor shall direct, which shall be recorded in the office register of the court of chancery, and a copy thereof, certified under the hand of the said r shall be good evidence in any court of law or equity of this state; and if any trustee, appoi virtue of this act, shall refuse to act, or die, or neglect to give bond as aforesaid, in a rea time to be judged of by the chancellor, or be removed by the chancellor for misbehaviour, appoint such other person as he shall think proper in his place, who shall give bond as aforesa on giving such bond, (in case the said debtor had conveyed his property to the former trus shall immediately be vested with all the property of every kind, and all the debts, rights and of the said debtor, completely as the former trustee was vested with the same.

On executing a deed, debtor to be discharged, &c.

V. AND BE IT ENACTED, That upon the said petitioning debtor's executing and acknow a deed to the trustee to be appointed as aforesaid, conveying all his property, real, perso mixed, and all debts, rights and claims, agreeably to the oath, or affirmation, of such debtor a said, and on his delivery to the said trustee of all his said property which he shall have in p and of his books, papers, and evidence of debts of every kind, and the said trustee's certif same, in writing, to the chancellor, it shall be lawful for the chancellor to order that the sai shall be discharged from all debts, covenants, contracts, promises and agreements, due from, o or contracted by, him, before the date of the said deed, and by virtue of such order debtor shall be discharged as aforesaid; provided, that no person who has been guilty of a b the laws, and hath been fined, or is liable to be fined, for such breach, shall be discharged payment of any fine incurred for any breach of the laws of this state; and provided, t property which he shall thereafter acquire by gift, descent, or in his own right by bequ vise, or in any course of distribution, shall be liable to the payment of the said debt; and p that the discharge of such debtor shall not operate so as to discharge any other person from a

May retain his apparel.

VI. AND BE IT ENACTED, That the chancellor may allow such petitioning debtor to re necessary wearing apparel of himself and family.

Trustee may be directed to sell, &c.

VII. AND BE IT ENACTED, That the chancellor may direct any trustee to be appointed b of this act to sell and convey the property conveyed to him by the petitioning debtor, at su and on such terms and conditions, as he shall think most for the advantage of the creditors, produce thereof, after satisfying all incumbrances and liens, shall be divided among the ditors, agreeably to the several and respective claims; but no judgment to be entered passage of this act against any of the said debtors who shall take advantage of this a be a lien on his real property, nor shall any process against his real or personal property effect thereon, except writs of *fieri facias* actually and *bonâ fide* laid before the passing of this

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III. AND BE IT ENACTED, That any truſtee may ſue for, in his own name, and recover, any rty or debts aſſigned to him by any debtor in virtue of this act. And may ſue.

AND BE IT ENACTED, That if any creditor, on the application of any ſuch debtor to the ellor, or within two years thereafter, ſhall allege, in writing, to the chancellor, or to the l court of the ſhore, or the county court of the county, where ſuch debtor ſhall reſide, that ſuch hath directly or indirectly ſold, conveyed, leſſened, or otherwiſe diſpoſed of, or purchaſed, in or himſelf, or any of his family or relations, or any other perſon or perſons, intereſted or con- any part of his property of any kind, or any part of his debts, rights or claims, thereby to e or defraud his creditors, or any of them, or to ſecure the ſame, or to receive or expect any or advantage thereby, or that he has paſſed bonds, or other evidences of debts, either with- nſideration or on improper conſideration, or loſt more than one hundred pounds current money ing at any one time, or hath aſſigned or conveyed any of his property with intent to give ue and improper preference to any creditor or creditors, or ſecurity, within two years before ſage of this act, the ſaid chancellor, or court, may thereupon, at the election of the creditor ſuch allegation, either examine the ſaid debtor, and any perſon or perſons to whom he ve made any conveyance or conveyances of his property, or paſſed bonds or evidences of s aforeſaid, on interrogatories, on oath or affirmation, touching the ſubject of the ſaid allega- or direct an iſſue or iſſues, in a ſummary way, without the form of an action, to determine the f the ſame; and if, upon the anſwer of the ſaid interrogatories, or the trials of the ſaid iſſue s by a jury, ſuch debtor ſhall be found guilty of any fraud or deceit of his creditors, or loſs ing as aforeſaid, or of having given preference as aforeſaid, he ſhall be for ever pre- from any benefit of this act; and in caſe ſuch debtor, or other perſon, ſhall, at any time er, upon any indictment, be convicted of wilfully, falſely and corruptly, ſwearing or af- to any matter or thing to which he ſhall ſwear or affirm by virtue of this act, he ſhall s in caſe of wilful and corrupt perjury, and be for ever debarred from any benefit of this When fraud is alleged, debtor may be examined, &c.

ND BE IT ENACTED, That the chancellor may allow any truſtee to be appointed by virtue act ſuch commiſſion for his trouble as he ſhall think reaſonable, not exceeding eight *per cent.* ny complaint ſhall be made to the chancellor of the conduct of any truſtee, by any creditor d in the diſtribution of any eſtate, or if any truſtee hath or ſhall become inſolvent, the chan- ay call ſuch truſtee before him, and inquire into the cauſe of complaint in a ſummary way, e ſuch rules and orders as ſhall be judged neceſſary for the accompliſhment of the object ruſt, and puniſh the ſaid truſtee, as for a contempt, in caſe of his not obeying the ſame, he thinks it neceſſary, he may remove the ſaid truſtee, and appoint another perſon in his Chancellor may allow a commiſſion, &c.

ND BE IT ENACTED, That if any debtor, who ſhall petition the chancellor in virtue of this be impriſoned at the time of exhibiting ſuch petition, it ſhall be lawful for the chancellor the ſheriff in whoſe cuſtody he ſhall be, to bring him before him, at a certain time by him id order to be appointed, for the purpoſe of taking the oath or affirmation herein before d; and the ſaid ſheriff ſhall obey the ſaid order, and ſhall be entitled to a preference, after arge of all liens on the ſaid debtor's eſtate, to all other creditors, in the payment of his gainſt the ſaid debtor for legal fees of impriſonment, and his reaſonable expences in carry- aid debtor to the chancellor in obedience to his order as aforeſaid, any thing in this act to ary notwithſtanding; and in caſe ſuch impriſoned debtor ſhall have any creditors beyond ſea, cellor may, in his diſcretion, order the ſheriff to bring the ſaid debtor before him at ſuch he thinks proper, and on his taking the oath herein before mentioned, may direct that of ſuch debtor ſhall be diſcharged from impriſonment, and appoint a time when ſuch debtor ear before him to anſwer any interrogatories which his creditors may propoſe to him, s than ſix months notice as aforeſaid, any thing in this act to the contrary notwithſtanding; that ſuch diſcharge from impriſonment ſhall not operate as a diſcharge of any of the debts of mpriſoned debtor; and provided, that the ſaid impriſoned debtors, at the time of their diſ- required by the chancellor, ſhall enter into bond, with ſuch penalty, and with ſecurity, as ellor ſhall direct and approve, conditioned for the perſonal appearance, at ſuch time or times l chancellor ſhall direct, to anſwer the allegations of their creditor or creditors, according viſions aforeſaid; and if the ſaid debtors ſhall not enter into bond as aforeſaid, if required ncellor, then ſuch debtors ſhall remain in confinement until their application, (if objected be decided on. And order impriſoned debtors to be brought before him, &c.

XII. AND

CHAP. LXXXVIII. Judge, &c. on E. ſhore may order the ſheriff, &c.

XII. AND BE IT ENACTED, That in caſe any perſon named in this act may be impriſoned in gaol on the eaſtern ſhore, or in Allegany county, it ſhall be lawful for the judge of the diſtric any aſſociate juſtice of the county, on the application of ſuch perſon, at any time before the firſ of September next, to order the ſheriff in whoſe cuſtody he may be to bring the ſaid perſon imm ately before him, for the purpoſe of taking the oath, or affirmation, if required, for delivering u property to his creditors; and if the ſaid perſon, ſo brought before the judge or juſtice, ſhall pre a petition to the chancellor, with a ſchedule of his whole property, and a liſt of his creditors, on as herein required, thereto annexed, and alſo the aſſent of two thirds of his creditors, and ſhall, b the ſaid judge or juſtice, take the oath required for delivering up his property for the uſe of his tors, it ſhall be lawful for the ſaid judge or juſtice to order that the ſaid perſon be diſcharged impriſonment, and appear before the chancellor within three months from the time of ſuch diſch and if ſuch order ſhall be made, the ſaid judge or juſtice ſhall tranſmit the ſaid petition and aſſ his creditors, in writing as aforeſaid, with the ſchedule and liſt, on oath as aforeſaid, annexed, chancellor; provided nevertheleſs, that if the ſaid perſon, ſo diſcharged from impriſonment, not appear before the chancellor agreeably to the ſaid order, it ſhall be lawful for any judge tice, on application of the party at whoſe ſuit the ſaid perſon was impriſoned, and on his pro a certificate from the regiſter in chancery, that ſuch perſon hath not appeared before the chan agreeably to the ſaid order, to remand the ſaid perſon to the priſon from which he was diſch there to remain until diſcharged by a due courſe of law; and provided always, that if any credi any petitioning debtor in any of the gaols on the eaſtern ſhore, or in Allegany county, ſhall r ſecurity of the petitioner, that the judge or juſtice aforeſaid ſhall not releaſe any petitioner, u or they ſhall give ſuch ſecurity as the judge or juſtice ſhall require for his appearance before the cellor within three months from the date of his diſcharge as aforeſaid; provided nevertheleſs as to all and every perſon or perſons included in this act, who have been engaged in trade or me diſe, it ſhall not be neceſſary for them, or either of them, to procure the aſſent of their credito any part of them as aforeſaid, but if ſo many of his or their creditors as have due to them the a of one fourth of the debts due by him or them at the time of paſſing this act, ſhall not lodge wi chancellor their diſſent in writing to ſuch debtor or debtors being admitted to the benefit of th on or before the expiration of ſix months after the ſaid notice ſhall be given or publiſhed as afo ſuch debtor or debtors ſhall be entitled to all and every benefit of this act, in as full and ample m as if ſuch debtor or debtors had procured the aſſent of two thirds of his or their creditors as afo provided alſo, that in ſuch notice it ſhall be ſtated, that the debtor or debtors make their appl as traders or merchants.

Chancellor may limit the time, &c.

XIII. AND BE IT ENACTED, That the chancellor may, by order, limit and appoint the ti creditors to bring in and declare their claims, and may examine ſuch creditors, and alſo the on oath or affirmation, concerning the ſame, and, on any conteſted claim, may, if he thinks order the ſame, or any fact concerning the ſame, to be tried on an iſſue framed for that purpo may order any part of the petitioning debtor's eſtate to be ſet apart and retained for the e ſatisfaction of any conteſted claim, or to be brought again into diſtribution; and if any credi whom a real debt is due, ſhall collude with the debtor to gain an undue preference in the ſatis of his debt, or for concealment of any part of the debtor's eſtate or effects, or ſhall contrive cert any acknowledgment of the debtor, by parole, or in writing, or any kind of ſecurity, falſe colour to his claim for more than is *bonâ fide* due, ſuch creditor ſhall loſe his debt truly du ſhall be totally excluded in the diſtribution.

If arreſted, may be diſcharged, &c.

XIV. AND BE IT ENACTED, That if the ſaid debtors, or any of them, ſhall be arreſted priſoned on any proceſs ſued out on any judgment or decree obtained againſt them, or any o for any debt, damages or coſts, contracted, owing or growing due, before the paſſing of this court, out of which ſuch proceſs iſſued, or any one judge of the general court, or the chief ju the diſtrict court, or the two aſſociate juſtices of the county court of the county where t debtor may be arreſted or impriſoned, on application made to them, ſhall and may diſchar debtor on motion; and if the ſaid debtors, or any of them, ſhall be arreſted or impriſoned proceſs for the recovery of any debt, damages or coſts, contracted, owing or growing due, the paſſing of this act, the court, before whom ſuch proceſs ſhall be returned, ſhall and may di ſuch debtor or debtors out of cuſtody on his common appearance being entered, without any bail; provided, that the diſcharge of ſuch debtor or debtors ſhall not acquit any other perſ ſuch debt, damages or coſts, or any part thereof, but that all ſuch perſons ſhall be anſwer the ſame in ſuch manner as they were before the paſſing of this act.

XV

V. AND BE IT ENACTED, That the deed of truſt heretofore executed by William Smith to Le- Deeds eſtabliſhed, &c.
Martin and Thomas Morton, and the deed of truſt heretofore executed by Samuel Williams to
x Martin, Hardage Lane and Thomas Morton, for the benefit of their creditors, be and the
is hereby eſtabliſhed and confirmed, and ſhall not operate to prevent them, or either of them,
the benefit of this act, on compliance with the other requiſites thereof.

VI. AND BE IT ENACTED, That Allaire Creuze, of Baltimore county, ſhall be entitled to re- A. Creuze to be entitled, &c.
the full relief and benefit by this act granted to the petitioners herein before mentioned, on
omplying with all the rules and conditions of ſuch petitioners required, except that the ſaid
e Creuze ſhall not be required to produce to the chancellor any evidence of her being a citizen
of this ſtate or of the United States.

VII. AND BE IT ENACTED, That each inſolvent debtor, at the time of his application to the Debtors to pay, &c.
ery court for relief, ſhall pay to the regiſter of the court of chancery the ſum of five dollars,
paid to the chancellor.

VIII. AND BE IT ENACTED, That all proceedings in chancery under this act ſhall be recorded Proceedings to be recorded, &c.
regiſter, who ſhall be entitled to the ſame fees as are fixed by law for ſervices in other caſes,
ſhall be paid at the time of obtaining the diſcharge.

X. AND BE IT ENACTED, That in all appointments of truſtees under this act by the chan- Creditors to be conſulted, &c.
in the room of any perſon before appointed, the chancellor ſhall conſult the creditors, and
himſelf by the choice of a majority of them in value, unleſs upon notice being given by public
ſement, or in ſuch manner as he ſhall think reaſonable, the ſaid creditors ſhall neglect to
uch choice.

CHAP. LXXXIX.

ACT to aid and revive the proceedings of the court of appeals. Lib. JG. No. 3. fol. 361.

Paſſed 3d of Jan. 1800.

WHEREAS by reaſon of the indiſpoſition of ſome of the judges at June and November terms Preamble.
laſt, ſeveral cauſes ſtanding for trial and argument on points of conſiderable conſequence
f the docket without being decided;

BE IT ENACTED, *by the General Aſſembly of Maryland*, That each and every cauſe ſtanding for Cauſes reinſtated, &c.
November term, one thouſand ſeven hundred and ninety-eight, and June term, one thouſand
undred and ninety-nine, and which for the reaſon aforeſaid hath gone off the docket unde-
y the court, ſhall be and the ſame are, and each of them hereby is, reinſtated, and placed on
ket, and under the juriſdiction of the court, and ſhall continue, unleſs ſooner determined,
e end of June term, one thouſand eight hundred; and the ſaid court are hereby authoriſed,
next meeting, to make any entry or entries on their docket for the purpoſe of reviving and
ng ſuch caſes, and placing the ſame in the like ſituation as when they went off the docket by
f the non-attendance of the ſaid judges; provided, that nothing herein contained ſhall be
d to affect any judgment rendered by order of the ſaid court.

AND BE IT ENACTED, That when any judgment has been entered by the conſent of the par- Judgment entered to be good, &c.
their counſel, and the whole of the judges of the ſaid court have not attended, the ſaid
t ſhall be good and valid to all intents and purpoſes whatever.

AND BE IT ENACTED, That any one judge of ſaid court ſhall hereafter have full power and One judge may render jundgment, &c.
y, by and with the conſent of the parties, or their counſel, in any cauſe, to render judgment,
ke any entry or order therein; and ſhall and may adjourn the ſaid court from time to time,
ſufficient number of the ſaid judges ſhall attend for hearing and determining the reſpective
pending in the ſaid court.

CHAP. XC.

Further ſupplement to the act,* entitled, An act for the better miniſtration of juſtice in the ſeveral counties of this ſtate. Lib. . No. 3. fol. 362.

* 1796, ch. 43.

T ENACTED, *by the General Aſſembly of Maryland*, That each aſſociate juſtice, appointed and Compenſation allowed.
miſſioned in virtue of the act to which this is a ſupplement, ſhall receive as a compenſation
for

CHAP. XC.

for his ſervices the ſum of four dollars for every day he ſhall attend the duty of his office, ſaid allowance ſhall be aſſeſſed in the aſſeſſment of his county.

CHAP. XCI.

Paſſed 3d of Jan. 1800.

An ACT relating to coroners and ſheriffs. Lib. JG. No. 3. fol.

Coroner may give bond, &c.

BE IT ENACTED, *by the General Aſſembly of Maryland*, That any coroner already appoi hereafter to be appointed, may give bond at any time of the year, within ſixty days appointment, in the manner and for the term preſcribed by law.

Sheriff may give bond, &c.

II. AND BE IT ENACTED, That upon the death, reſignation, refuſal or diſqualification, ſheriff, the perſon appointed to ſucceed him ſhall give bond in the manner preſcribed by law, ſixty days from the date of his commiſſion.

CHAP. XCII.

An ACT for the payment of the journal of accounts. Lib No. 3. fol. 362.

Preamble.

WHEREAS it appears by the journal of accounts of this ſeſſion, that there is now d this ſtate the ſum of nine thouſand eight hundred and eighty-five pounds ſixteen ſhilli ten-pence current money,

Treaſurer to pay, &c.

II. BE IT ENACTED, *by the General Aſſembly of Maryland*, That the treaſurer of the weſte ſhall and he is hereby authoriſed and required to pay the ſeveral perſons, their executors, ſtrators, aſſigns or orders, or to ſuch of them as ſhall offer to receive the ſame, the ſeveral current money allowed to them reſpectively, as they appear to be ſettled and aſcertained by journal of accounts, out of any money now in the treaſury, or which ſhall come into the treaſu ject to the appropriation of the general aſſembly.

MARYLAND, *ſc.*

PURSUANT to a reſolution of the General Aſſembly of Maryland, and the direction of William Kilty, Eſquire, I have carefully examined and compared the records in the office of the general court for the weſtern ſhore, the acts of the ral Aſſembly of Maryland, paſſed ſince the year ſeventeen hundred and ſixty-thr compiled by him, and do certify, that the ſame are conformable to the record.

GIVEN under my hand, at the city of Annapolis, this fifth day of Septe in the year of our Lord one thouſand eight hundred, and in the twenty-fift of the Independence of the United States of America.

JOHN GWINN, Clk. G. C. W. S. S.

AN

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TO THE

LAWS, THE DECLARATION OF RIGHTS, AND THE CONSTITUTION.

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ions for the appearance and proſecution of ſuch actions iſtrators, &c. 1785, ch. 80, § 1.

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A majority of the houſe of delegates, or the ſen their ſpeaker or preſident,) required to conſtitute a ho tranſacting any buſineſs except adjourning. Conſt. 8,

The ſenate and houſe of delegates may adjourn the ſpectively, but if the two houſes ſhould not agree o time, but adjourn to different days, the governor ſh and notify one of thoſe days, or ſome day between, ſembly ſhall then meet and be held accordingly. *Ibid*

—— But the governor ſhall not adjourn the aſſem wiſe than as aforeſaid. *Ibid.*

The chief juſtice, or two aſſociate juſtices, of a court, empowered to call the court before the time may ſtand adjourned, and take bond from the ſheriff. 1792, ch. 62.

When the general court, court of appeals, any co orphans court or levy court, ſhall not meet at the time by law, or to which they may ſtand adjourned, the clerks of the ſaid courts are empowered and required their courts from day to day, until a meeting ca 1795, ch. 55.

One aſſociate juſtice may hold and adjourn the co 1796, ch. 43, § 5.

The orphans courts directed to meet at the ti ſtated, and oftener if neceſſary, according to their ow ment. 1798, No. 101, ch. 15, § 8.

—— One of the juſtices, in the abſence of the c hold the court at a ſtated time of adjournment, only poſe of adjourning. *Ibid.*

—— Any two of them may hold the court on a named in an adjournment, on the application of a pe preſſing buſineſs, provided notice is given to all, w ſhall be recorded by the regiſter. *Ibid.*

One judge of the court of appeals may adjourn the time to time, until a ſufficient number of the judg tend for determining the cauſes. 1799, ch. 89, § 4

The commiſſioners appointed under this act empow journ from time to time, and from place to place whole is completed. 1799, ch. 50, § 2.

The polls in the elections therein mentioned to on without interruption or adjournment, ſo that the be concluded in one day. *Ibid.* § 8.

If any of the judges of elections are prevented fr ing at the time appointed for caſting up the votes

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ſemble may adjourn from day to day, until all the votes ots are collected. *Ibid.* § 15, 16.

ctions as to the adjournment of the criminal court of ve. 1799, ch. 58, § 4.

ere matters are enjoined to be done by the juſtices of the courts in months different from thoſe appointed by this holding courts, they may be done either at their court in or at an adjourned court. 1796, ch. 43, § 26.

miſſioners to take evidence for the chancery court empow- adjourn for further interrogatories, &c. 1785, ch. 72,

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r probat of a will, letters teſtamentary to be granted executor, on his executing a bond. 1798, No. 101, § 1.

Manner of procuring them where there is property in county. *Ibid.* § 2.

If not ſo procured, letters to be granted where the will ved. *Ibid.* § 3.

executor does not appear when ſummoned, &c. admini- to be granted to the perſon entitled. *Ibid.* § 4.

How to be granted if the executor is out of the ſtate. 5.

How, on failure of ſome or all of the executors. *Ibid.*

How, in caſe of renunciation. *Ibid.* § 7.

tors named in the will, and not in the letters, ſhall not . *Ibid.* § 8.

tors, before letters are granted, ſhall not diſpoſe of the interfere further than is neceſſary to preſerve it. *Ibid.* but ſuch acts ſhall become valid on obtaining letters. *Ibid.*

ions reſpecting teſtamentary and adminiſtration bonds. 10, 11.

o be taken by executors and adminiſtrators. *Ibid.* § 12.

Form of the letters preſcribed. *Ibid.* § 13.

at caſes letters to collectors may be iſſued, and direc- erning them. *Ibid.* § 14 to 20.

dminiſtration ſhall be granted if an executor is under otherwiſe diſqualified. *Ibid.* ch. 4. § 1 to 6.

arried woman is entitled to letters teſtamentary, unleſs nd give bond, with ſecurity. *Ibid.* § 8.

e of inteſtacy, adminiſtration ſhall not be granted to a amous, under age, &c. *Ibid.* ch. 5, § 1.

Directions as to the county in which adminiſtration ſhall ed. *Ibid.* § 2.

Proof of inteſtacy required before letters are granted. .

Time of granting letters. *Ibid.*

Such letters to be revoked on the diſcovery of a will, cation for letters teſtamentary. *Ibid.* § 4, 5.

iſtration *de bonis non* to be granted on the death of an or adminiſtrator before the eſtate is adminiſtered. *Ibid.* ch. 14, § 2.

ecutor of an executor not entitled as executor to ad- on *de bonis non* of the firſt deceaſed. *Ibid.* ch. 5, § 6.

ions reſpecting the qualifications of perſons applying for ation. *Ibid.* § 7.

oſes in action of a married woman ſhall devolve on nd without adminiſtration. *Ibid.* § 8.

ot relations adminiſtration is in preference to be grant- § 10 to 21.

f no relations, adminiſtration ſhall be granted to the editor applying. *Ibid.* § 22.

f no relations entitled, or creditors apply, adminiſtra- be granted at the diſcretion of the court. *Ibid.* § 23.

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Directions reſpecting the preference to reſiduary legatees in granting adminiſtration with a copy of the will annexed. *Ibid.* § 24.

Adminiſtration may be granted to two or more, with the conſent of the perſon firſt entitled. *Ibid.* § 25.

—— But in all caſes to extend to all the property in the ſtate. *Ibid.*

Adminiſtration may be revoked, if an inventory is not returned as therein directed. *Ibid.* ch. 6, § 13.

Any one adminiſtrator, on the neglect of the reſt, may return an inventory, and the others ſhall not interfere in the adminiſtration. *Ibid.* § 14.

Accounts of the adminiſtration, when to be returned, and how ſtated. *Ibid.* ch. 8, § 1, ch. 10, § 1, 2, 3, 6.

Diſtribution, when to be made. *Ibid.* ch. 10, § 6, 10 ch. 11.

If the perſon entitled to adminiſtration declines, the court may appoint another. *Ibid.* ch. 14, § 1.

How far the rules herein ſhall extend to former adminiſtrators. *Ibid.* § 9.

Proviſion for delivering up the property to ſecurities, on application. *Ibid.* § 11.

—— But the adminiſtrator to go on to diſcharge his truſt, unleſs the adminiſtration is revoked. *Ibid.*

Regulations reſpecting adminiſtration, (where not inconſiſtent with the act of 1798, No. 101.) 1718, ch. 5, 1719, ch. 14, 1720, ch. 24, 1722, ch. 10, ch. 12, 1729, ch. 24, ch. 25, 1752, ch. 3, 1763, ch. 24, February, 1777, ch. 8, October, 1777, ch. 9, November, 1779, ch. 24, May, 1781, ch. 22, April, 1783, ch. 30.

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The form and condition of them preſcribed, 1798, No. 101, ch. 3, § 11, ch. 5, § 6.

Caſes in which the adminiſtration bonds are declared liable to be put in ſuit. *Ibid.* ch. 5, § 5, ch. 6, § 13, ch. 8, § 9, 14, 20, ch. 10, § 4, 9, ch. 12, § 5.

—— Directions for the jury in finding damages in the ſuits therein mentioned. *Ibid.* ch. 10, § 9.

Bonds given by perſons on receiving property ſequeſtered to be on the ſame footing as adminiſtration bonds. *Ibid.* ch. 15, § 15.

Actions on adminiſtration bonds to be brought within twelve years, ſaving to infants, &c. five years after the diſability removed. 1729, ch. 24, § 21, 22.

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The perſons pointed out who are entitled in preference to be adminiſtrators. 1798, No. 101, ch. 5, § 7, and from § 10 to 23.

—— The qualifications to be the ſame as thoſe of an executor, and queſtions reſpecting them to be determined in the ſame manner. *Ibid.* ch. 5, § 7.

—— If the perſon entitled declines, the orphans court may proceed to appoint another. *Ibid.* ch. 14, § 1.

Two or more may be adminiſtrators, with the conſent of the perſon firſt entitled. *Ibid.* ch. 5, § 25.

—— But adminiſtration to extend to all the perſonal property in the ſtate. *Ibid.*

The condition of the bond, and the oath of adminiſtrators, preſcribed. *Ibid.* ch. 3, § 11, 12.

Adminiſtrators to give notice of the appraiſement. *Ibid.* ch. 6, § 7.

—— To return an inventory of the property appraiſed, the money and debts. *Ibid.* § 6, 8.

—— To return an inventory of property afterwards diſcovered. *Ibid.* § 10.

Directions for returning an inventory after the appointment of a collector. *Ibid.* § 11.

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—— As to finiſhing or ſelling the crop, or taking it at the appraiſement. *Ibid.* § 12.

Adminiſtration may be revoked, if an inventory is not returned as therein directed. *Ibid.* § 13.

One adminiſtrator, on neglect of the others, may return an inventory, and ſhall have the whole adminiſtration, unleſs a ſatisfactory excuſe is given by the others. *Ibid.* § 14.

What ſhall be conſidered as aſſets. *Ibid.* ch. 7, ch. 14, § 3. See ASSETS.

Accounts of the adminiſtration to be rendered within fifteen months. *Ibid.* ch. 8, § 1.

Further time, not exceeding eighteen months, may be allowed. *Ibid.*

Allowance to be made for property loſt, &c. *Ibid.* § 2.

No profit or loſs to enſue from the increaſe or decreaſe of the eſtate. *Ibid.*

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What actions may be brought by and againſt adminiſtrators. *Ibid.* § 5.

—— Directions reſpecting their pleading. *Ibid.* § 7.

—— Not neceſſary to plead *plene adminiſtravit*, or any thing relative to the aſſets. *Ibid.*

—— But they are bound to anſwer in chancery as to aſſets as heretofore. *Ibid.*

—— They are entitled to and anſwerable for coſts. *Ibid.* § 5.

—— They are not compelled to give bail in any action. *Ibid.* § 6.

The court in which the ſuit is brought ſhall, on the debt being aſcertained, aſſeſs the ſum to be paid by the adminiſtrator, according to the amount of aſſets and other debts due. *Ibid.* § 8.

Manner and time of entering the judgment. *Ibid.* § 9.

The court may refer the matter to an auditor, to aſcertain the ſum for which judgment ſhall be given. *Ibid.*

Judgment to be given on application where there is a further diſcovery of aſſets. *Ibid.*

A *fieri facias* to iſſue againſt his own goods, or thoſe of the deceaſed. *Ibid.*

Duty of an adminiſtrator to pay ſuch judgments, and all juſt claims in proportion to the aſſets. *Ibid.* § 9, 10.

Directions as to retaining aſſets for claims not exhibited. *Ibid.* § 10, 11.

—— As to tenders in diſputes on the amount of claims. *Ibid.*

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—— What judgments, &c. adminiſtrators are bound to diſcover in order to diſcharge them. *Ibid.*

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—— Within what time ſuits on ſuch claims muſt be brought, or the claims be barred. *Ibid.*

How this act may be pleaded. *Ibid.*

An adminiſtrator ſhall not retain for his own claim, unleſs paſſed by the orphans court. *Ibid.* § 19.

—— Such claims to be on an equal footing with thoſe of others. *Ibid.*

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On the death of an adminiſtrator, letters *de bonis n* granted to the perſon entitled, if he applies. *Ibi* ch. 14, § 2.

—— The form of ſuch letters, the bond and oath, pre *Ibid.* ch. 5, § 6.

—— Duty of the adminiſtrator *de bonis non*. *Ibid.* § 2.

Adminiſtrators entitled to the whole reſidue need no an inventory or account, if they give bond for the pay debts and legacies as therein directed. *Ibid.* § 7.

Adminiſtrators to conform to the directions of the 1785, ch. 80, on the death of any party to a ſuit. *Ibi*

A guardian may be appointed before an account of th niſtration is paſſed. *Ibid.* ch. 12, § 1.

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—— Penalty on adminiſtrator's refuſing to comply w order. *Ibid.*

The huſband need not be adminiſtrator of his deceaſed entitle himſelf to her choſes in action. *Ibid.* ch. 5, § 8

How far the rules herein ſhall extend to former admini *Ibid.* ch. 14, § 9.

—— They ſhall apply to males and females, and to i als and perſons jointly concerned. *Ibid.* § 10.

Proviſion for putting the eſtate in the hands of a fe he is in danger, and for his accounting therefor. *Ibid.* §

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But the adminiſtrator ſhall go on to diſcharge his truſt, the adminiſtration is revoked. *Ibid.*

iniſtrators may appoint a meeting of creditors, legatees, a day to be appointed by the court, and make diſtributi- their direction. *Ibid.* § 12.

ctions reſpecting the preference to reſiduary legatees in adminiſtration with a copy of the will annexed. *Ibid.* § 24.

er of the orphans court reſpecting adminiſtrators. *Ibid.*

iniſtrators to appear to actions brought to recover perſon- ls, debt or damages, that would before have abated by th of a party. 1785, ch. 80, § 1.

Directions for compelling them to appear, and for their dings. *Ibid.*

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dminiſtrators applying for a writ of error or injunction, ncellor may preſcribe the penalty of the bond. 1793, § 2.

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ules relative to an adminiſtrator to apply equally to an ratrix, unleſs otherwiſe expreſsly provided for. 1798, ch. 14, § 10.

dminiſtratrix muſt be above the age of eighteen. *Ibid.* 1.

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s of *ad quod damnum* to iſſue to condemn land for iron- 1719, ch. 15.

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s convicted of adultery to be fined £.3. or 1200 lbs. of 1715, ch. 27, § 3.

The non-appearance of perſons, according to notice, as d by the above act, to be taken as a confeſſion of their 1749, ch. 12, § 5.

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ncement to a child, or deſcendant of an inteſtate, by nt or portion, ſhall be reckoned in the diſtribution of the 1798, No. 101, ch. 11, § 6.

Maintenance or education, or money given without a ſuch ſettlement or portion, ſhall not be deemed an ad- ent. *Ibid.*

The widow ſhall have no advantage by bringing ſuch ent into reckoning. *Ibid.*

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Children of an inteſtate, or their iſſue, having received any real eſtate by way of advancement, may elect to come into partition with the other parceners, on bringing ſuch advancement into hotchpot, with the eſtate deſcended. 1786, ch. 45, § 5.

—— But they ſhall not be entitled to claim a ſhare by deſcent without bringing ſuch advancement into the common ſtock or hotchpot, if there be another child or children unprovided for. *Ibid.*

ADVANCEMENT OF JUSTICE.

See ASSIGNMENT. AUDITA QUERELA. BILLS of EXCHANGE. BONDS. EQUITY JURISDICTION. JUDGMENT. PERJURY. SPEEDY RECOVERY.

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Directions for giving notice by advertiſement in caſes in the chancery court. 1785, ch. 72, § 31, April, 1787, ch. 30, 1789, ch. 46, 1791, ch. 79, November, 1792, ch. 41, 1794, ch. 60, 1795, ch. 88, 1797, ch. 114, 1798, ch. 38, 1799, ch. 79.

—— For procuring a commiſſion to mark and bound lands. 1786, ch. 33.

—— For bringing in claims to executors or adminiſtrators. 1798, No. 101, ch. 8, § 13, 16.

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Affidavit required for obtaining a commiſſion to take evidence. November, 1773, ch. 7, § 7.

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—— To be made of waſte after injunction granted, in order to ground an attachment. *Ibid.* § 30.

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AFFIRMATION.

The people called Quakers, thoſe called Tunkers, and thoſe called Menoniſts, holding it unlawful to take an oath on any occaſion, ought to be allowed to make their ſolemn affirmation in the manner that quakers have been heretofore allowed to affirm, and to be of the ſame avail as an oath; and further, on ſuch affirmation, warrants to ſearch for ſtolen goods, or the apprehenſion or commitment of offenders, ought to be granted, or ſecurity for the peace awarded; and quakers, tunkers or menoniſts, ought alſo, on their ſolemn affirmation as aforeſaid, to be admitted as witneſſes in all criminal caſes. Decl. 36, 1797, ch. 118, confirmed by 1798, ch. 83.

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—— If the appeal is for several exceptions, the court shall give judgment on every exception. *Ibid.*

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—— An appeal from the orphans court shall not st ceedings therein which may with propriety be carrie the appeal is decided, provided the said orphans co vide for conforming to the decision of the court abo the said decision may eventually be for or against th *Ibid.* § 19.

No executor or administrator shall be obliged to di claim of which vouchers and proofs shall be exhibited in before directed,) but may reject, and at law dispu in case he shall have reason to believe that the de owed the debt, or had discharged the same, or a p or had a claim in bar, but every executor or admin be obliged to discharge the same, or pay a just pr part thereof, if passed by the orphans court granting unless he shall appeal from the decision of the court ner hereafter directed. *Ibid.* ch. 9, § 13.

On appeal from the decision of the general cou validity of any marriage, the depositions and evid cause shall be transmitted with the record to the peals, and thereupon such cause shall be heard, de adjudged, *de novo*. February, 1777, ch. 12, § 15

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APPEALS.

ases where the chancellor may be intereſted, and on a bill ion a decree is given by the general court, an appeal may the court of appeals in the ſame manner as from the chan- urt. November, 1779, ch. 24, § 4.

ctions brought by any of the United States againſt a per- ding in this ſtate, there ſhall be the ſame right of appeal ther caſes. 1785, ch. 36.

ons aggrieved by the determination of the county court, ting or refuſing any private road or way, &c. may appeal general court, whoſe determination ſhall be final. *Ibid.* § 3.

eals given from the deciſion of inſpectors of ſalted provi- &c. 1786, ch. 17, § 10, 11, November, 1792, ch. 46, .

appeal allowed from the deciſion of commiſſioners under to direct deſcents to the chancellor, whoſe deciſion is 1786, ch. 45, § 8.

An appeal from the chancellor's deciſion, (where the ion iſſues from his court,) to the court of appeals. *Ibid.*

appeal allowed on either ſide on ſuits authoriſed to be by citizens againſt the ſtate. *Ibid.* ch. 55, § 2.

ppeal to a juſtice of the peace given to bakers aggrieved ſeizure of bread, and proceedings thereon. 1789, § 6.

ctors of tobacco may appeal from the judgment of re- f the county juſtices to the governor and council, and the complaining may have the ſame appeal. *Ibid.* ch. 26, § 41.

ppeal given from the determination of the court, under for draining lands, to the general court, whoſe deciſion final. 1790, ch. 3, § 4.

ns aggrieved by the ſeizure of property, or executing of rſons under the militia law, may appeal to the next coun- . 1793, ch. 53, § 21.

ppeal allowed from the determination of the judge of the ce on the eaſtern ſhore to the chancellor, as judge of the ce, whoſe opinion ſhall be concluſive. 1795, ch. 61, § 6. On a reverſal, the proceedings to be ſent back by *pro-* . *Ibid.*

itions for freedom an appeal allowed to either party from ty to the general court on matters of law only, and bills tion to be taken. 1796, ch. 67, § 23.

als from the valuations of property by aſſeſſors and col- to be heard by the commiſſioners of the tax. 1797, § 12, 21, 35.

ppeal given and regulated from the deciſion of an aſſociate (as to the ſalvage to the wreck-maſter, &c.) to the chief f the diſtrict. 1799, ch. 82, § 2.

ppeal, &c. from the judgment of a county court ſhall ed to any attorney on a ſuit or proſecution for iſſuing proceſs, without a preſentment of the grand jury, or or- he court. 1715, ch. 48, § 2.

ations iſſued on the order of the preſident of the bank land not liable to be ſtayed by any appeal, &c. 1790, § 13.

Same as to the bank of Columbia. 1793, ch. 30, § 14.

rit of error, ſuperſedeas or appeal, to be allowed on the ts therein mentioned againſt collectors of the county 794, ch. 53, § 3.

judgment on motion againſt a ſheriff or collector refuſing cting to pay over money, no appeal allowed. 1797, § 1.

The ſame on a judgment on ſuch motion by a ſheriff tor againſt his deputy. *Ibid.* § 2.

The ſame on a judgment on motion againſt a ſheriff re- neglecting to pay over militia fines. 1798, ch. 100,

APPEARANCE.

Any perſon ſued in the general or county court may, on giving bail, (if adjudged,) appear in perſon, and imparle or confeſs judgment. 1716, ch. 20, § 2.

In actions that would have abated by the death of a party, the executors, &c. of the deceaſed may, on ſuch death, appear thereto. 1785, ch. 80, § 1.

—— Directions for their being ſummoned and attached to appear. *Ibid.*

—— On the executors, &c. of the defendant not appearing by the fourth day of the court next after the one they were ſummoned to, an appearance may be entered for them, and there ſhall be the ſame proceedings as if they had voluntarily appeared. *Ibid.*

—— On the executors, &c. of the plaintiff ſo failing to appear, judgment of nonſuit ſhall be entered as of the original ſuit. *Ibid.*

—— On the death of the perſon ſo ſummoned before judgement, the repreſentatives of the firſt deceaſed ſhall appear, &c. till a judgment ſhall be had. *Ibid.*

—— The ſame judgment ſhall be given as if the action had commenced by or againſt the perſon ſo appearing, and the coſts before the death ſhall be taxed as coſts in the action. *Ibid.*

—— Caſes of the death of the plaintiff, after ſuch appearance by the repreſentatives of the defendant, or of the death of the defendant after ſuch appearance by the repreſentatives of the plaintiff, ſhall be conſidered as within the act. *Ibid.*

—— If there is no appearance or proceeding by either party in any caſe aforeſaid before the tenth day of the ſecond court after the death ſhall be ſuggeſted, the action ſhall be ſtruck off and diſcontinued. *Ibid.*

One aſſociate juſtice may take recognizance for the appearance and ſecurity of any perſon or perſons who have filed or may file petitions for freedom. 1796, ch. 43, § 5.

Directions reſpecting the appearance of parties in the chancery court. November, 1773, ch. 7, § 3, 4, 1785, ch. 72, § 19, 20, April, 1787, ch. 30, § 2, 3, November, 1792, ch. 41, § 5, 1795, ch. 88, § 1, 1797, ch. 114, § 2, 3.

See CHANCERY.

APPRAISEMENT.

On granting letters teſtamentary, of adminiſtration or collection, a warrant ſhall iſſue for the appraiſement. 1798, No. 101, ch. 6, § 2.

Caſes in which the crop may be taken at the appraiſement by the adminiſtrators, &c. *Ibid.* § 12.

Every guardian appointed by the orphans court, having the care of a real eſtate, ſhall, within three months after executing his bond, procure the eſtate to be viewed and reported on. *Ibid.* ch. 13, § 6.

—— The appraiſement to be evidence againſt him in any ſuit for miſconduct. *Ibid.*

APPRAISERS.

On granting letters teſtamentary, of adminiſtration or collection, a warrant ſhall iſſue to two perſons, not related to the deceaſed, or intereſted in the adminiſtration, to appraiſe the goods, chattels and perſonal eſtate, of the deceaſed, known to them, or to be ſhewn. 1798, No. 101, ch. 6, § 2.

—— Form of the warrant preſcribed. *Ibid.*

—— On death, refuſal, &c. another warrant to iſſue. *Ibid.* § 3.

—— An oath to be taken by the appraiſers, and endorſed on the warrant. *Ibid.* § 4.

—— The appraiſers to ſet down each article, with the value thereof, in dollars and cents, and caſt up the amount. *Ibid.* § 5.

—— When

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APPRAISERS.

—— When the inventory ſhall be finiſhed, the appraiſers ſhall certify the ſame under their hands and ſeals, and a certificate of their having taken the oath or affirmation ſhall be thereunto annexed. *Ibid.* § 6.

—— The appraiſers to give notice to (at leaſt) two perſons intereſted in the adminiſtration, if within three miles of the place where the eſtate is to be appraiſed. *Ibid.* § 7.

—— The appraiſers to deliver the inventory to the executor, adminiſtrator, &c. *Ibid.* § 6.

—— Property coming to the poſſeſſion of an executor, &c. not mentioned in the ſaid inventory, ſhall be appraiſed by appraiſers appointed by any juſtice of the peace, or judge of any orphans court, within two calendar months from the diſcovery. *Ibid.* § 10.

Every guardian appointed by the orphans court, having the care of a real eſtate, ſhall, within three months after executing his bond, procure the eſtate to be viewed and reported on by two perſons not related to either party, and appointed by the orphans court. *Ibid.* ch. 12, § 6.

—— An oath to be taken by the appraiſers to appraiſe the ſame without favour, &c. *Ibid.*

—— The appraiſers ſhall examine the eſtate, and eſtimate the annual value, including any ſlaves, working beaſts, and ſtock and utenſils thereon, belonging to the orphans, and proper to be leaſed with the land. *Ibid.*

—— They ſhall ſet down in writing what dwelling-houſes, out-houſes, orchards, gardens, meadows, encloſures, and other improvements, are on the land, and the condition thereof, and what proportion of the land is, (in their eſtimation,) in woods. *Ibid.*

—— They ſhall certify the whole under ſeal, and annex a certificate of their appointment, and having taken the oath aforeſaid, which ſhall be returned by the guardian to the orphans court within three months as aforeſaid. *Ibid.*

No ſheriff or conſtable ſhall ſummon any appraiſers on laying a writ of *fieri facias* iſſued by any juſtice of the peace on the property of any debtor, or on any ſuperſedeas on ſuch judgement, 1799, ch. 86.

APPRENTICES.

Every orphan child, (the profits of whoſe eſtate are not ſufficient for its maintenance,) may be bound by the orphans court as an apprentice, males till the age of twenty-one, and females till the age of ſixteen. 1793, ch. 45, § 2.

The contract to include reaſonable education, and, if practicable, ſome uſeful art or trade to males, and ſuitable cloathing and maintenance. *Ibid.*

The court may alſo bind out in like manner,

—— Children ſuffering through the extreme poverty of their parents,

—— The children of beggars,

—— Illegitimate children, and

—— The children of perſons out of the ſtate, where a ſufficient ſuſtenance is not afforded. *Ibid.*

Directions for conſulting the parents, &c. *Ibid.*

When the orphans court is not in ſeſſion, any two juſtices of the peace may bind out children in the ſame manner. 1794, ch. 47, § 1.

—— The contract to be approved by the orphans court, and recorded as preſcribed in the 6th ſection of the act of 1793. *Ibid.*

—— Fee to the juſtices for taking ſuch contract. *Ibid.* § 2.

Any one or more of the juſtices of the peace may take children who are deſtitute or ſuffering, or the children of beggars, and place them with ſome perſon till the meeting of the orphans court. 1793, ch. 45, § 3.

APPRENTICES.

—— The expence to be defrayed by the county. *Ibi*

A father may bind out his children as apprentices, b twenty-one and girls till ſixteen years of age, the term expreſſed in the indenture. *Ibid.* § 4.

—— The indenture to be lodged with the regiſter of phans court within thirty days, and to be recorded. *Ibi*

The truſtees of the poor of any county, or any three o empowered to bind out children under their care, giving ference to tradeſmen, and obliging the applicant to ſign denture, &c. *Ibid.* § 5.

Such indenture to be lodged and recorded in the court. *Ibid.*

Any manufacturer or mechanic may take as an apprent male child till the age of twenty-one years. *Ibid.* § 6.

—— The contract ſhall ſpecify the age of the child, parents, if living, and, if not, the orphans court, ſhall contract within two months, and endorſe on it their appro if given, and it ſhall then be recorded therein. *Ibid.*

The county or criminal courts may, on petition in v hear and determine any diſputes between maſters and tices. *Ibid.* § 7.

—— They may fine the maſter or miſtreſs not exceedin for the firſt offence, and £. 20 for the ſecond. *Ibid.*

—— They may diſcharge any apprentice on account poſition or ill behaviour of the maſter or miſtreſs, or unr bleneſs of the contract, and provide a new maſter of t occupation. *Ibid.*

—— They may direct as to ſuch new contract, and t maſter ſhall be bound as the former was, and ſhall pay ſu as ſhall be adjudged by perſons to be appointed by the *Ibid.*

—— They may diſcharge the maſter or miſtreſs from t tract on account of an incorrigible temper, or ill beha the apprentice, and may award and compel the terms to formed on either ſide, in caſe the contract, whether defe form or not, has been partly executed. *Ibid.*

—— Either party may have a trial by jury. *Ibid.* §

—— The apprentice may be detained in ſervice till diſcharged, and action may be maintained againſt ſt *Ibid.* § 7.

Compenſation to be made on an apprentice abſconding ning away. *Ibid.*

—— Penalty on perſons harbouring or concealing t promoting their running away. *Ibid.* § 8.

On apprentices being cruelly uſed, any judge or juſti require ſecurity of the maſter or miſtreſs to appear at c may take the apprentices away, and put them under the ſome perſon till court. *Ibid.* § 9.

On an apprentice incurring any fine or penalty and co court ſhall adjudge the time which he ſhall ſerve, on his paying ſuch fine, &c. *Ibid.* § 10.

Apprentices not to be carried out of the ſtate. *Ibid.*

—— Any juſtice, on information of ſuch a deſign, (ex mariners,) may require recognizance of the maſter, and fuſal, may diſcharge ſuch apprentice from his ſervice, a vide another maſter. *Ibid.*

The county courts to charge the grand juries to inqui all matters and things that were given in charge to the jury by the act of February, 1777, ch. 8. *Ibid.* § 12.

Apprentices, (except to tradeſmen and mechanics in may be compelled to perform reaſonable labour in whe and hay harveſts, unleſs the contract ſhall be otherwiſe. § 13.

The widow of a maſter empowered, on certain conditi aſſign the apprentice to ſome other perſon of the ſame *Ibid.* § 14, 15.

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—The new master and the apprentice bound to perform ...due of the contract. *Ibid.* § 14.
—The consideration given, to be for the use of the widow, ...t assets of the deceased husband. *Ibid.*
—Female apprentices shall serve out the residue of their ...with the widows, who shall comply with the original con... *Ibid.*
—Widows not choosing to keep such apprentices, shall ...them to the orphans court to be bound out again. *Ibid.*
—Apprentices, on the death of their masters, are to con...at home under the control of the widows, till order is ...by the court, &c. *Ibid.* § 16.
—The court empowered to continue such apprentices as ...they are satisfied the contract is fulfilled. *Ibid.*
—Penalty on harbouring such apprentices. *Ibid.*
...alty on carrying or sending apprentices out of the state ...t passes. 1715, ch. 19, § 5.
...alty on ordinary-keepers harbouring, entertaining, or sell...or to them. March, 1780, ch. 24, § 17.
...ctions for binding orphans by the trustees of the poor. ...ch. 21.
...y pilot shall, within three months after obtaining his ...t, take at least one white apprentice, to instruct him in ...of piloting. November, 1787, ch. 26, § 19.
—Such apprentice to have freedom dues, and the usual ...nce, at the expiration of his time, and to be exempt from ...duty. *Ibid.*
...person applying after the first of February, 1793, for a ...to act as a pilot, shall produce testimony of his having ...four years as an apprentice to some pilot in the state, or ...having procured a branch before that time. 1790, ...§ 3.
...entices directed to be included in the lists of persons to ...the militia, distinguishing their trades and the names of ...asters. 1793, ch. 53, § 2.
—Their masters to be accountable for fines incurred by ...prentices. *Ibid.* § 19.
...Benevolent Society of the city and county of Baltimore ...ered to bind out female children till the age of sixteen. ...ch. 44, § 3.
...entices, on committing the crimes therein mentioned, ...adjudged to labour, &c. by the justices of the criminal ...1793, ch. 57, § 10, 11.
...children of persons convicted in the said court, if under ...and without property for their maintenance, may be bound ...any trade or handicraft, females till the age of sixteen, ...les till twenty-one. *Ibid.* § 20.

ARBITRAMENT AND AWARD.

REFERENCE.

ARMS.

...governor and council authorised to direct the arms, am...n, &c. on the western shore, to be collected and deposited ...erick-town, and those on the eastern shore at Talbot, and ...int armourers to take charge of them and keep them in ...and to allow them salaries. 1785, ch. 88, § 9.
—Empowered to draw money for the payment of persons ...care of the public arms. November, 1788, ch. 38, ...

...and accoutrements to be furnished to one company of ..., to be annexed to each regiment of militia, (as far as ...e in possession of the state.) 1798, ch. 100, § 23.
—A number to be delivered by the governor and council ...lieutenant-colonel of each regiment, for the select com... *Ibid.* § 28.

ARMS.

—— Bond and security to be taken by the lieutenant-colonels for the redelivery of such arms. *Ibid.* § 29.

Persons leaving the select companies on account of age, to deliver up their arms. *Ibid.* § 23.

ARMY.

The governor, by and with the advice and consent of the council, may embody the militia, and, when embodied, shall alone have the direction thereof, and shall also have the direction of all the regular land and sea forces under the laws of this state, but he shall not command in person, unless advised thereto by the council, and then only so long as they shall approve thereof. Const. 33.

No person receiving the profits, or any part thereof, arising on any agency for the supply of cloathing or provisions for the army or navy, or employed in the regular land service or marine of this or the United States, shall have a seat in the general assembly or the council of this state. *Ibid.* 37.

—— An oath to be taken by the officers therein mentioned, that they will not receive such profits. *Ibid.* 38.

Power of the governor and council in appointing and removing military officers. *Ibid.* 48.

Military and militia commissions shall not be attested by the chancellor, or have the seal of the state annexed. *Ibid.* 57.

Standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature. Decl. 26.

In all cases, and at all times, the military ought to be under strict subordination to, and control of, the civil power. *Ibid.* 27.

No soldier ought to be quartered in any house in time of peace without the consent of the owner, and, in time of war, in such manner only as the legislature shall direct. *Ibid.* 28.

No person, except regular soldiers, mariners and marines, in the service of this state, or militia when in actual service, ought, in any case, to be subject to, or punishable by, martial law. *Ibid.* 29.

Directions for raising recruits, and bounties of land proposed to be given to the officers and soldiers. October, 1777, ch. 8, November, 1779, ch. 36, June, 1780, ch. 10, October, 1780, ch. 44.

Officers and soldiers having, by entering in the service, given proof of their attachment, not to be affected by any thing in the act for the better security of the government. October, 1777, ch. 20, § 24.

—— Certain lands appropriated to their use. November, 1781, ch. 20, November, 1788, ch. 44.

Provision made for allowing half pay to officers and men in the army and navy, on losing a limb, or being disabled. October, 1778, ch. 14, October, 1780, ch. 34, April, 1782, ch. 3, November, 1782, ch. 26.

—— Mode of payment. October, 1778, ch. 14, November, 1788, ch. 7, 1784, ch. 72.

Certain wounded officers therein mentioned entitled to half pay. 1785, ch. 17, § 3. November, 1788, ch. 8.

—— Such sum to be a donation from the state, and not in bar of any emolument they were entitled to receive from the United States. 1785, ch. 17.

The governor and council, on application, empowered to inquire into the situation of the widows of officers who died in the service, and to allow them a sum, not exceeding half the pay their husbands were entitled to. *Ibid.* ch. 52, § 2.

—— Such allowance to cease on the marriage of any such widow, unless there shall be any child or children of her former husband. *Ibid.*

—— In such case the governor and council shall draw an order for such allowance in favour of such child or children, and appoint

ARMY.

appoint ſome perſon to receive it in truſt for them till the age of twenty-one. *Ibid.*

—— This act not to extend to ſuch widows and children as had, under particular laws, received proviſions adequate to the half pay; but if ſuch proviſions were not adequate, the deficiency to be made up. *Ibid.*

ARMY ACCOUNTS.

A commiſſioner appointed to ſettle and adjuſt the pay due to the officers and ſoldiers of the ſtate, and the accounts of thoſe who had died. October, 1780, ch. 38, § 2, 5.

—— Several other deſcriptions of officers and men to be ſettled with. October, 1780, ch. 44, May, 1781, ch. 35, November, 1781, ch. 26, April, 1782, ch. 33, April, 1783, ch. 28.

—— The commiſſioners to give certificates for the ſums due, to be paid out of confiſcated property appropriated thereto. October, 1780, ch. 38, § 3.

—— Such certificates made aſſignable without any atteſtation or reſtraint. November, 1782, ch. 33, § 9.

—— A ſcale of depreciation fixed for the army accounts, but not to be a precedent as to public creditors. October, 1780, ch. 38, § 9.

—— Proviſions made for payment of the certificates, by ſales of confiſcated property. *Ibid.* § 11, 12.

—— Directions as to the payments for confiſcated property, and for the ſales thereof. May, 1781, ch. 20, November, 1781, ch. 31.

ARRAY.

See CHALLENGE. JURORS.

ARREST.

The houſe of delegates may puniſh, by impriſonment, any perſon who ſhall be guilty of a breach of privilege, by arreſting on civil proceſs any of their members during their ſitting, or on their way to, or returning from, the houſe. Conſt. 12.

—— The ſenate may exerciſe the ſame power in ſimilar caſes. *Ibid.*

Perſons arreſted, after being ſet at liberty under the act for the relief of inſolvent debtors, may be diſcharged in the manner therein mentioned. 1774, ch. 28, § 7.

No perſon ſhall cauſe any inhabitant of this ſtate to be arreſted out of the county where he reſides by a writ of *capias ad respondendum*, or *capias ad satisfaciendum*, for any debt, &c. until the ſheriff or coroner of the county where he ſhall reſide ſhall have returned a *non est inventus* on ſuch writs reſpectively, iſſued at the requeſt of ſuch perſon againſt the ſaid defendant. 1796, ch. 43, § 14.

—— On an arreſt by *capias ad respondendum*, contrary to this act, the plaintiff ſhall be nonſuit, and pay the defendant coſts, to be adjudged by the court. *Ibid.* § 15.

—— On a perſon being taken in execution contrary to this act, the court ſhall diſcharge him from impriſonment. *Ibid.*

—— This act not to extend to perſons flying from juſtice in the county where they live, but they may be arreſted in any county. *Ibid.*

On the arreſt of a defendant on a *capias ad satisfaciendum*, the plaintiff, with the conſent of the defendant, may elect not to call the ſaid execution, and may proceed with a new one. 1789, ch. 42, § 2.

Manner of diſcharging perſons arreſted after their petitioning to the chancellor to be releaſed from their debts. 1799, ch. 88, § 14.

See INSOLVENT DEBTORS.

ARREST.

No officer or private of the militia ſhall be ſubject to a reſt, either on meſne proceſs or execution, or in any other, for any civil matter, in his attendance at, going to, turning from, muſter. 1793, ch. 53, § 24.

ARSENAL.

The governor and council authoriſed to eſtabliſh a pu ſenal at Frederick-town. 1785, ch. 88, § 9.

ARSON.

See BURNING OF HOUSES.

ARTICLES.

Articles preſcribed for the government of the militia. ch. 100, § 5, 34.

ASH.

See POT and PEARL ASH.

ASSAULT.

The houſe of delegates may puniſh, by impriſonme perſon who ſhall be guilty of a breach of privilege, by a any of their members during their ſitting, or on their or return from, the houſe, or by aſſaulting or obſtructi officers, or a witneſs, or any other perſon attending o their way to or from, the houſe. Conſt. 12.

—— The ſenate may exerciſe the ſame power on ſi caſions. *Ibid.*

Actions of aſſault to be brought within one year. ch. 23, § 2.

Magiſtrates or other perſons executing the law t blaſphemers, if aſſaulted, ſhall recover treble damages. ch. 16, § 8.

No action of treſpaſs for injury done to the perſon brought in the general court, unleſs the damages aſſeſſe £. 100 0 0. 1785, ch. 87, § 2.

Directions reſpecting ſuits for aſſaults on officers in t tion of their duty. November, 1787, ch. 39, § 3.

ASSEMBLY.

See GENERAL ASSEMBLY.

ASSENT.

The giving of a bond by an executor as therein dir which he may be excuſed from exhibiting an inventor dering an account, ſhall be deemed an aſſent to a legac No. 101, ch. 14, § 6.

ASSESSMENT.

Fees on the proſecution of ſlaves to be aſſeſſed on ties. May, 1766, ch. 6.

The annual aſſeſſment for ſupplies directed to be i the ſeveral counties upon the amount of the land in e ty, aſcertained at the average value in the ſaid act e and the value of the perſonal property aſcertained as thereafter directed by law. 1785, ch. 53, § 3.

Real and perſonal property to be chargeable with aſſeſſment according to the directions of the act for tion of real and perſonal property. 1797, ch. 89, §

See VALUATION.

Aſſeſſment not to be laid on the canals, locks, Patowmack company. 1784, ch. 33, § 9.

—— Same as to the Suſquehanna canal compa ch. 66, § 2.

Certain lands to the weſtward of Fort Cumberla liable to aſſeſſment. November, 1792, ch. 71, § 14

I N D E X.

ASSESSMENT.

ctions for laying the county aſſeſſments. 1794, ch. 53, ch. 43, § 16, 1798, ch. 34.

LEVY COURTS.

ctions for collecting, with the county aſſeſſment, part of mpenſation to the chief juſtices of the county courts. ch. 43, § 21, 1797, ch. 69.

ASSESSORS.

ſors excepted out of the deſcription of civil officers to be ed by the governor and council. Conſt. 48.

ſors to be appointed by the commiſſioners of the tax. ch. 89.

VALUATION of PROPERTY.

ſors to be appointed to regulate the weight and aſſize of 1789, ch. 8, § 1.

ASSETS.

s for years,

s for the life of another perſon, (except thoſe granted ceaſed and his heirs only,)

ods, wares, merchandiſe, utenſils, furniture,

es,

, ſtock, proviſions,

to, and every kind of produce,

rop on the land of the deceaſed began by him, (unleſs e lands are deviſed,)

annexed to the free-hold or building which may be re- ithout prejudice thereto,

ing, ornaments, and

other ſpecies of perſonal property, (except thoſe things e denominated heir-looms, and the cloaths of a widow, ments and jewels proper for her ſtation, and the cloath- family,) ſhall be included in the inventory, and con- aſſets in the hands of the executor or adminiſtrator. . 101, ch. 7.

A common warrant for land, not executed or located time of the deceaſed, ſhall be aſſets. *Ibid.* ch. 14, § 3.

ors and adminiſtrators to give in claims by the deceaſed emſelves as debts, and to account therefor. *Ibid.* 0, 21.

ns for returning an inventory of the property, money . *Ibid.* ch. 6, § 6, 8.

Directions reſpecting aſſets not mentioned therein, and coming to the poſſeſſion or knowledge of the executor rator. *Ibid.* § 10.

llowed for ſettlement where the aſſets are inſufficient, , § 1.

Directions for a ſale in ſuch caſes. *Ibid.* § 3, 4.

ceſſary for executors or adminiſtrators to plead *plene* nit, or any thing relative to the aſſets. *Ibid.* § 7.

ut they are bound to anſwer in chancery as to aſſets re. *Ibid.*

rt in which the ſuit is brought ſhall, on the debt tained, aſſeſs the ſum to be paid according to the aſſets and other debts due. *Ibid.* § 8.

anner and time of entering the judgment. *Ibid.* § 9.

e court may refer the matter to an auditor, to aſcer- n for which judgment ſhall be given. *Ibid.*

dgment to be given on application when there is a overy of aſſets. *Ibid.*

h judgments, and all juſt claims, to be paid in pro- e aſſets. *Ibid.* § 9, 10.

as to retaining aſſets for claims not exhibited. *Ibid.*

paying away the aſſets in diſcharge of claims, and thereof. *Ibid.* § 13, 14.

ASSETS.

—— In ſuits after ſuch payment, judgment not to be given till further aſſets are ſhewn to have been received. *Ibid.* § 15.

Directions for retaining aſſets for diſputed claims. *Ibid.* § 18.

—— Such aſſets ſhall be liable to other claims, or be delivered up or diſtributed if the diſputed claims are not eſtabliſhed. *Ibid.*

The aſſets which have come to the hands of an executor or adminiſtrator to be ſtated on one ſide of the account. *Ibid.* ch. 10, § 1.

—— On a further diſcovery of aſſets, another account to be rendered within ſix months. *Ibid.* § 3.

On delivering up an eſtate appearing to be ſettled, the duty and power of executors and adminiſtrators with reſpect to future aſſets ſhall not ceaſe. *Ibid.* § 6, 10.

—— Directions for the diſpoſal of them. *Ibid.*

Directions for delivering a part of the aſſets to thoſe entitled, after the payment of debts. *Ibid.* § 7.

Directions for retaining money, &c. payable under a will at a diſtant period, or on a contingency. *Ibid.* § 11.

If the ſurplus of an eſtate conſiſts of ſpecific articles, the orphans court, on application, may make a diſtribution, or direct a ſale. *Ibid.* ch. 11, § 16.

An executor or adminiſtrator, ſummoned to appear to actions that would have abated by the death of the defendant, not to be burthened with debt or coſts, further than aſſets have come to his hands. 1785, ch. 80, § 1.

The conſideration given on the aſſignment of an apprentice, after the death of his maſter, to be for the uſe of the widow, and not aſſets of the deceaſed huſband. 1793, ch. 45, § 14.

ASSIGNMENT.

Directions reſpecting aſſignments of goods, &c. by perſons trading here and reſiding out of the ſtate. 1753, ch. 36.

See BANKRUPTS.

Where any ſurety to a bond, or other obligation, or endorſer of a bill of exchange that ſhall be proteſted, ſhall diſcharge or tender the ſum due thereon, the obligee or endorſer ſhall aſſign to him ſuch obligation or proteſted bill, and the aſſignee ſhall then have action in his own name againſt the principal debtor. 1763, ch. 23, § 7.

Bonds or other obligations under ſeal, being aſſigned under ſeal, the aſſignee may maintain action in his own name againſt the obligor. *Ibid.* § 9.

—— If ſuch obligor ſhall be unable to pay, or cannot be found, &c. ſo that the aſſignee cannot recover, the like action ſhall be maintainable againſt the obligee, (in caſe the aſſignor was not a ſurety,) unleſs ſuch debt be loſt by default of the aſſignee, in which caſe the aſſignor ſhall not be liable. *Ibid.*

—— No action ſhall be maintainable in the name of any aſſignee, unleſs oath or affirmation be made by the aſſignor, that he hath received no part of the ſum mentioned in the obligation, or ſuch part only as is mentioned in ſuch oath, &c. to be endorſed on the bond. *Ibid.* § 10.

—— Falſe ſwearing herein to be puniſhed as wilful perjury. *Ibid.* § 11.

Where judgment is recovered againſt debtor and ſurety, and ſatisfied by the ſurety, the creditor ſhall aſſign ſuch judgment to the ſurety, and the aſſignee ſhall then have, in his own name, as aſſignee, the ſame execution againſt the principal debtor as the creditor might have had. *Ibid.* § 8.

—— The ſaid aſſignment to be firſt recorded in the court where the judgment was obtained. *Ibid.*

Where judgment is rendered againſt ſeveral ſureties, and one of them ſatisfies the whole, he ſhall have aſſignment of the judgment from the creditor, and be entitled to execution againſt the other ſureties for a proportionable part of the debt or damage paid by him. *Ibid.*

The

I N D E X.

ASSIGNMENT.

The chancellor may direct an aſſignment of bonds for mortgaged property ſold to be made to the mortgagee, on which he may maintain action. 1785, ch. 72, § 9.

Form of the oath to be taken by an aſſignee of a judgment or decree, in vouching his claim againſt the eſtate of a deceaſed perſon. 1798, No. 101, ch. 9, § 1.

—— Such aſſignee ſhall alſo produce the aſſignment under the hand of the aſſignor, and (if more than one,) each aſſignment ſhall be produced. *Ibid.*

—— If the creditor, on a ſpecialty, bond, note, or proteſted bill of exchange, or for rent, be an aſſignee, there ſhall be an oath or affirmation of the original creditor with reſpect to the time of the aſſignment. *Ibid.* § 5, 7.

—— In caſe of ſucceſſive aſſignees, the ſame oath, &c. to be taken by each with reſpect to the time. *Ibid.* § 5.

If ſpecial bail ſhall have diſcharged a judgment againſt a deceaſed perſon, he ſhall be conſidered as the judgment creditor, and a receipt from the plaintiff ſhall be equal to an aſſignment. *Ibid.* § 2.

No aſſignment hereafter made of any bond, &c. to any perſon entitled to ſue by attachment of privilege, ſhall enable ſuch perſon to ſue by ſuch attachment, but the ſaid aſſignee ſhall have the ſame remedy as perſons not entitled to ſue by ſuch attachment, and no other. 1799, ch. 29.

Puniſhment for forging, or cauſing to be forged, or knowingly paſſing an aſſignment of any bond, &c. *Ibid.* ch. 75, § 1.

Manner of aſſigning policies in the Baltimore Equitable Society for inſuring houſes from loſs by fire. 1794, ch. 39, § 1.

Regulations reſpecting the aſſignment of the ſtock of the Maryland Inſurance company. 1795, ch. 60, § 5, 14.

The ſtock of the Bank of Baltimore ſhall be aſſignable and transferrable according to ſuch rules as ſhall be inſtituted in that behalf by the laws and ordinances of the ſame. 1795, ch. 27, § 12.

Manner of transferring ſhares in the Bank of Maryland. 1790, ch. 5, § 4.

Manner of transferring ſhares in the Bank of Columbia. 1793, ch. 30, § 5.

Manner of transferring ſhares in the Patowmack company. 1784, ch. 33, § 14.

—— In the Suſquehanna canal company. *Ibid.* ch. 66, § 5.

—— In the Pocomoke company. 1796, ch. 17, § 12.

—— In the Cheſapeake and Delaware canal company. 1799, ch. 16, § 14.

ASSIZE.

Regulations reſpecting the aſſize of bread. 1789, ch. 8.

ASSOCIATE JUSTICE.

The governor and council authoriſed to appoint and commiſſion in each county two perſons of integrity, experience and knowledge, reſidents of ſuch county, who ſhall be ſtyled in the commiſſions Aſſociate Juſtices of the county courts of ſuch counties. 1790, ch. 33, § 4.

—— To appoint others in caſe of vacancy. 1796, ch. 43, § 18.

—— The ſaid juſtices to hold their commiſſions during good behaviour, removable only as the chancellor and judges are by the conſtitution of this ſtate. 1790, ch. 33, § 4.

The county courts to be compoſed of the chief juſtice of the diſtrict, and the two aſſociate juſtices in the counties reſpectively. 1796, ch. 43, § 5.

—— The ſaid courts, or the chief juſtice alone, or the two aſſociate juſtices, to have the ſame power, duties, &c. as were required by the county court. *Ibid.*

ASSOCIATE JUSTICE.

Any one of the aſſociate juſtices may hold and adj court,

—— Empannel and charge the grand jury,

—— Direct proceſs to iſſue on any preſentment or ind or on any petition or complaint exhibited to the court,

—— Direct ſubpœnas for witneſſes to attend the attachments againſt witneſſes and jurors for non-attenda

—— Direct any witneſs to be ſworn to the grand ju

—— Receive any preſentment or indictment from t jury,

—— Take recognizance for the appearance of witn of any perſon preſented or indicted,

—— Commit any perſon preſented or indicted, for ſecurity,

—— Direct judgments to be entered on confeſſion *ſum informatus*, and on defaults or amerciaments of a coroner,

—— Direct commitments to be entered againſt brought in on execution,

—— Take ſpecial bail in any cauſe exiſting in the c

—— In court ſitting accept the ſurrender by the pr himſelf in diſcharge of his bail, and by the bail of the in diſcharge of himſelf, and take new bail, or commit of bail,

—— Take recognizance for the appearance and any perſon or perſons filing petitions for freedom. *Ibi*

—— May, out of court, direct the clerk to enter by confeſſion, or *non ſum informatus*. *Ibid.* § 20.

—— May, within his county, take the acknowle deeds. *Ibid.* § 6.

—— May, within his county, grant licences fo ordinaries, to be in force till the end of the court n for which the perſon ſhall pay in proportion, and ente cognizance as directed by the act of March, 178 1791, ch. 58, § 2, 3.

—— May, in the ſame manner, grant licences to ſpirituous liquors, to be in force till the end of the n court after, to be paid for in proportion, and recog be taken and returned, and the licence money paid t but no licence ſhall be granted to any perſon who h fuſed by the county court. April, 1792, ch. 7.

—— May appoint an eliſor in the caſes therein 1794, ch. 54, § 5.

Aſſociate juſtices to have in their counties all the of juſtices of the peace out of court, except as to and ſitting in the levy court. 1796, ch. 43, § 19.

—— Not to act as attornies or ſolicitors during as juſtices. *Ibid.* § 8.

Writs to be teſted by the aſſociate firſt named, of the chief juſtice. *Ibid.* § 9.

Each aſſociate juſtice to receive four dollars for eve tendance in the duties of his office, to be aſſeſſed in *Ibid.* § 24, and 1799, ch. 90.

—— Fees allowed to aſſociate juſtices out of co ch. 43, § 31.

—— Aſſociate juſtices to take the oaths of fide port to the ſtate, as required by the conſtitution a the oath of juſtices required by the act of February, *Ibid.* § 17.

—— An oath to be taken by them, that they rectly or indirectly, receive any greater fee or re thing in their office than is allowed by this act.

—— A fine of 100 dollars on their receiving a for any ſervice not ſpecified in this act, or any g reward than is therein allowed, but they ſhall not proſecution after twelve months from the offence.

I N D E X.

ASSOCIATE JUSTICE.

. Their duty to prepare all inſtruments of writing to be
d by them under this law, when required, except in caſes
owledgments of deeds. *Ibid.* 32.
power reſpecting the apprehending free negroes, mulat-
other perſons living idle, &c. 1796, ch. 67, § 20.
. Their power as to determining ſalvage to be paid to the
aſter in Worceſter county. 1799, ch. 82, § 2.
given by coroners to the ſtate, to be entered into be-
attested by, an aſſociate juſtice of the county, or the
ſtice of the diſtrict. 1797, ch. 95.
perſons to be appointed aſſociate juſtices of the court of
terminer and gaol delivery in Baltimore county and ci-
99, ch. 58, § 1.
. Their powers defined. *Ibid.* § 4.
. Their allowance. *Ibid.* § 10.
aſſociate juſtices may, out of court, take the ſheriff's
therein directed. 1794, ch. 54, § 8.
. In caſe of the death, abſence, &c. of one of the aſſo-
e other ſhall call in two juſtices of the peace, who ſhall,
, judge of the ſufficiency of the ſecurities, and atteſt
tion. *Ibid.*

ATTACHMENT.

tachment ſhall iſſue from any court againſt a defendant
in the ſtate, before two ſucceſſive writs againſt him have
rned *non est*. 1715, ch. 40, § 2.
If the defendant is abſent out of the ſtate, then one
g returned *non est*, and the plaintiff leaving a copy of
ration, or ſhort note, expreſſing the cauſe of action,
defendant's attorney, (if he hath one,) or at the de-
late dwelling-houſe, and making ſuch proof of his ac-
e court ſhall think fit, the court ſhall award an attach-
inſt the goods, chattels and credits, of ſuch abſent de-
ſo proſecuted and not appearing, which may be laid on
ds, &c. in the plaintiff's own hands, or thoſe of any
ion. *Ibid.* § 3.
In ſuch attachment ſhall be a clauſe, commanding the ſhe-
ke known, at the time of the execution, to the perſon
hands the goods, &c. ſo attached are, to appear on the
f the attachment before the court, to ſhew cauſe why
ds, &c. ſhould not be condemned. *Ibid.*
If the defendant ſhall not then appear, nor the garniſhee
the goods, &c, ſhall be condemned, and execution
as in other judgments. *Ibid.*
The plaintiff, giving ſecurity in court for the uſe of the
to make reſtitution of the ſame, or the value, if ſuch
ſhall, within a year and a day from the awarding the
t, by himſelf or attorney, appear to the original acti-
rove payment, or otherwiſe in court diſcount or bar the
f the whole or part. *Ibid.*
Such condemnation and execution of the goods, &c.
eadable in bar by the garniſhee in any action brought
defendant for the ſame. *Ibid.*
he plaintiff may exhibit interrogatories in writing to
hee concerning the property of the defendant in his
or charge, or by him due or owing, at the time of
ch writ of attachment, or at any other time. 1795,
5.
he garniſhee ſhall, by rule of court, anſwer ſuch in-
s, and, on his neglect or refuſal, the court ſhall ad-
he has in his poſſeſſion property of the defendant, or
to him, to an amount ſufficient to pay the debt, da-
intereſt of the plaintiff, and coſts, and execution ſhall
other caſes of condemnation in the hands of gar-
bid.

ATTACHMENT.

—— If the plaintiff, or any perſon for him, makes oath or affirmation, that he believes the perſon againſt whom the attachment is to be ſerved has property belonging to the defendant in his hands or poſſeſſion, or under his care, or is indebted to the defendant in any ſum, (though not then due,) and that he believes that he has juſt cauſe to fear that ſuch perſon is about to remove from the county where he reſides, the clerk, on the affidavit being filed, may inſert in the attachment a clauſe of *capias ad respondendum* againſt ſuch perſon as garniſhee, purſuant to the plaintiff's claim. *Ibid.* § 6.

—— Such garniſhee ſhall thereupon be held to ſufficient bail to appear at court, and to make anſwer as above directed, and to render his body to priſon, or pay the condemnation money, if judgment ſhall paſs againſt him. *Ibid.*

If a perſon, not a citizen of this ſtate, and not reſiding therein, is indebted to a citizen of this or any other of the United States, or if one citizen being indebted to another citizen of this ſtate ſhall run away, abſcond or fly from juſtice, or ſecretly remove from his abode, with intent to evade the payment of his debts, in either caſe the creditor may apply to a judge of the general court, a juſtice of the county court, or juſtice of the peace, and make oath or affirmation before ſuch judge, &c. or any judge of any other of the United States, that the ſaid debtor is *bonâ fide* indebted to him ——, over and above all diſcounts, (producing the bond, account, &c.) that he knows, or is credibly informed and believes, that the debtor is not a citizen of this ſtate, and does not reſide therein, (where ſuch is the caſe,) and, (where the debtor is a citizen of this ſtate,) that he knows, or is credibly informed and believes, that ſuch debtor is run away or fled from juſtice, or removed from his abode, with intent to injure and defraud his creditor or creditors. *Ibid.* § 1.

—— Such judge or juſtice of this ſtate ſhall thereupon iſſue a warrant to the clerk of the general or county court, (as the caſe may require,) to iſſue an attachment againſt the lands, &c. of ſuch debtor. *Ibid.*

—— On receipt of ſuch warrants, together with the proof on which they were granted, attachment ſhall iſſue with the ſame clauſe of *scire facias*, and to have the like proceedings, &c. as are preſcribed by the act of 1715, ch. 40. *Ibid.*

—— There ſhall be iſſued with ſuch attachment a writ of *capias ad respondendum* againſt the defendant, and a declaration or ſhort note of the cauſe of action ſhall be filed, and a copy ſent with the writ, to be ſet up at the court-houſe door. *Ibid.* § 3.

—— To every attachment under this act, the garniſhee may plead in behalf of the defendant ſuch plea as the defendant could do if taken by ſuch *capias*, and appearing to the ſame. *Ibid.* § 4.

—— The oath or affirmation of a creditor before a judge of any other of the United States ſhall not be evidence without a certificate of the clerk of his court, or the governor or chief magiſtrate, or a notary public, of ſuch ſtate, that he has authority to adminiſter ſuch oath, &c. *Ibid.* § 2.

No ſheriff ſhall execute more againſt the garniſhee than the plaintiff's debt and coſts, nor than what the plaintiff ſhall make appear in court to be the goods, &c. of the defendant, with ſuch coſts only as ſuch garniſhee ſhall put the plaintiff to by denying himſelf to be indebted to the defendant, and conteſting the ſame. 1715, ch. 40, § 4.

—— No ſheriff ſhall attach the goods, &c. of any inhabitant, ſo as to deprive him of all future livelihood, but, corn for neceſſary maintenance, bedding, gun, axe, pot, labourers neceſſary tools, and ſuch like houſehold implements and ammunition for ſubſiſtence, ſhall be protected from all attachments and executions whatever. *Ibid.* § 5.

—— Perſons proved to abſcond from the ſheriff, or abſent out of the ſtate, (to be averred upon oath,) ſhall have no benefit of any favourable interpretation of this law. *Ibid.* § 6.

I N D E X.

ATTACHMENT.

The plaintiff in any judgment obtained may, without the previous requiſites in this act preſcribed, inſtead of any other execution, take out attachment againſt the goods, &c. of the defendant in the plaintiff's own hand, or in thoſe of any other perſon, in which ſhall be a clauſe of *scire facias* as in other caſes, *Ibid.* § 7.

—— And, in default of appearance in the defendant or garniſhee to ſhew cauſe to the contrary, the court ſhall condemn the goods, &c. and award execution, as might have been had againſt the defendant on the judgment. *Ibid.*

—— Such condemnation and execution of the goods, &c. ſhall be pleadable in bar by the garniſhee in any action brought by the ſaid defendant for the ſame. *Ibid.*

On the return of a warrant, under the act for the ſpeedy recovery of ſmall debts, if the perſon is not to be found, the creditor may proceed in the county courts for obtaining an attachment according to the act of 1715, ch. 40. 1791, ch. 68, § 1.

If a perſon of full age, reſiding out of the ſtate, is entitled to lands, &c. in this ſtate, by deſcent or deviſe, and the perſon under whom he claims was indebted, the court in which any ſuit againſt ſuch heir or deviſee is inſtituted may award attachment againſt the lands and tenements of ſuch heir or deviſee, in the ſame manner as againſt any other perſon reſiding out of the ſtate. 1794, ch. 54, § 7.

Witneſſes ſummoned from one county to another are liable to attachment as if they reſided in the county where ſuch trial is had. October, 1777, ch. 12, § 2.

—— The ſheriff to whom ſuch attachments are directed ſhall return them to the court from which they are iſſued, and produce the party before the ſaid court. 1795, ch. 23, § 2.

—— Attachments to iſſue in like manner on ſuch ſummonſes under the act reſpecting the puniſhment of criminals. 1793, ch. 57, § 30.

Attachments againſt witneſſes and jurors for non-attendance may be iſſued by one aſſociate juſtice. 1796, ch. 43, § 5.

Attachments may be iſſued by a juſtice of the peace againſt witneſſes not attending on trials for ſmall debts, returnable to the county courts, which are bound to take cognizance thereof. 1791, ch. 68, § 8.

Commiſſioners under the act for marking and bounding lands to apply to the county clerks for attachments againſt witneſſes not attending. 1793, ch. 70, § 3.

Attachments may be iſſued by the regiſter of the land-office on the eaſtern ſhore againſt witneſſes not attending. 1795, ch. 61, § 12.

Attachments may iſſue from the general or county courts to compel the attendance of witneſſes ſummoned by the ſheriff or coroner on warrants of reſurvey from ſuch courts. 1789, ch. 35, § 7.

Attachments may iſſue from the orphans court to compel the attendance of witneſſes ſummoned thereto. 1798, No. 101, ch. 15, § 13.

Attachment may be iſſued againſt the proper perſon to appear, after being ſummoned, in actions that would have abated by the death of either party. 1785, ch. 80, § 1.

The parties for whoſe uſe ſuits on adminiſtration bonds, &c. are inſtituted, ſhall be liable for the coſts, and may be proceeded againſt by attachment. 1794, ch. 54, § 10.

Attachment may be iſſued by the county courts for the allowance to witneſſes in the land-office on the eaſtern ſhore on the hearing of a caveat. 1795, ch. 61, § 12.

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The defendant in a writ of replevin of property diſt taxes may, on a verdict, iſſue *fieri facias* or attach which the property originally diſtrained may be taken in whoſe hands ſoever found. 1790, ch. 53, § 4.

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ATTAINDER.

No law to attaint particular perſons of treaſon or fel to be made in any caſe, or at any time hereafter. De

There ought to be no forfeiture of any part of th any perſon for any crime, except murder, or treaſon a ſtate, and then only on conviction and attainder. *Ibi*

ATTORNEY-GENERAL.

The attorney-general to be appointed by the govern time being, with the advice and conſent of the council.

The attorney-general ſhall hold his commiſſion du behaviour, removable only for miſbehaviour on convi court of law. *Ibid.* 40.

—— He ſhall take an oath, that he will not, direct rectly, receive any fee or reward for doing his office b or ſhall be allowed by law, nor will, directly or indi ceive the profits, or any part of the profits, of any offi any other perſon, and that he does not hold the ſam truſt, or for the benefit of any other perſon. *Ibid.* 52

—— Puniſhment for his ſo receiving the profits of held by any other perſon. *Ibid.* 53.

—— Directed as a perſon appointed to an office of truſt, before he enters on the execution of his office, oath therein preſcribed, and to ſubſcribe a declara belief in the Chriſtian religion. *Ibid.* 55.

—— His oath as attorney-general preſcribed. 1777, ch. 5, § 1.

—— The form of his commiſſion. *Ibid.*

ATTORNEY-GENERAL.

attorney-general, clerk of the peace, or of indictments, exhibit any bill of indictment to a grand jury without a ment, unleſs by an order from the court, or one of the thereof, or unleſs the offender be bound over to ſuch or preſented by the grand jury of their own knowledge, the penalties therein mentioned. 1715, ch. 48, § 1, 2, ch. 5.

attorney-general, &c. in proſecutions under this act, ſhall articular as poſſible in deſcribing the place or lands affect- the ſetting up or deſtroying the boundaries therein pro- 1722, ch. 8, § 4.

allowed to the attorney-general. 1715, ch. 48, § 7, ch. 84, § 8, 1786, ch. 44, § 6.

may be brought by any citizen againſt the ſtate, by a ſummons directed to the attorney-general. 1786, § 2.

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bill by a citizen to foreclose a mortgage againſt a Britiſh the attorney-general to be ſerved with notice, and to behalf of the ſtate. 1785, ch. 72, § 30.

attorney-general directed to appear to petitions for the lands liable to eſcheat, for the payment of debts. *Ibid.* § 1.

Directed to appear on a petition to obtain a conveyance land, where bound by a contract for ſale. *Ibid.*

The chancellor may decree that the attorney-general cute a conveyance of ſuch lands. *Ibid.*

A ſummons to iſſue for the attorney-general to appear cauſe why a decree ſhould not paſs on a bill for the ce of real eſtate, contracted for, or ſold by, any Britiſh revious to the revolution. 1786, ch. 49, § 8.

The attorney-general to be made a party in the deter- by the chancellor of diſputes between the ſtate and the s of confiſcated property. April, 1787, ch. 30, § 4.

ttorney-general to commence a proſecution, by order of rnor and council, againſt perſons forging or counterfeit- fects of tobacco. 1789, ch. 26, § 11.

ttorney-general, or either of his deputies, ſhall, on the n of the ſheriff, order writs of *capias ad ſatisfaciendum* covery of all fines, &c. impoſed by any court of record, 1795, ch. 74, § 2.

On default of the ſheriff to acknowledge in open court of ſuch fines, &c. or to bring in the perſon taken, on motion of the attorney-general, or his deputy, ſhall gment againſt ſuch ſheriff for the amount. *Ibid.* § 4.

o be defendant in ſuits brought in the chancery court e ſtate. 1799, ch. 79, § 7.

te's agent empowered to take the advice of the attorney- writing for his information of the law. *Ibid.* ch. 80, § 4.

o call on the attorney-general to bring the ſtate ſuits y to immediate deciſion. *Ibid.* § 11.

ATTORNIES.

ſon ſhall practiſe the law in any court of this ſtate ing admitted by the juſtices thereof, who have power and alſo to ſuſpend them, *(ſalvo jure coronæ.)* 1715, 12.

ce of the peace, ſheriff, deputy-ſheriff, clerk or deputy- l plead as an attorney in the court wherein he bears 715, ch. 41, § 9.

ter of wills ſhall plead as an attorney in any court in where he is regiſter. 1786, ch. 10.

f juſtice, or aſſociate juſtice of a county court, ſhall, cation, act as an attorney or ſolicitor in any court of y while he acts as a juſtice. 1796, ch. 43, § 8.

ATTORNIES.

Juſtices of the orphans court not to act as attornies or ſolicitors. 1791, ch. 76, § 3.

No practiſing attorney ſhall be appointed a commiſſioner of the tax. 1797, ch. 89, § 2.

No practiſing attorney ſhall be appointed an inſpector of tobacco. 1789, ch. 26, § 8.

Attornies to take the oath therein preſcribed. February, 1777, ch. 5, § 1.

The judges of courts are authoriſed to obſerve the demeanor of practitioners of the law before them, and to diſcountenance and puniſh liberties tending to leſſen the authority of the courts, by ſuſpenſion perpetually, or for a time, or by fine. 1719, ch. 4, § 2.

To every attorney in a county court, for bringing, proſecuting or defending, any action to final judgment, agreement, or other end thereof, ſhall be paid 100 lbs. of tobacco, except where the debt or damage recovered be upwards of 2000 lbs. of tobacco, or £. 10 ſterling, in which caſe he ſhall have 200 lbs. of tobacco. 1715, ch. 48, § 7.

—— For proſecuting or defending any cauſe, plaint or action, in the general court, to final judgment, 400 lbs. of tobacco. *Ibid.*

—— For any fee in the chancery or *admiralty* court, 600 lbs. of tobacco. *Ibid.*

—— For any fee in the *commissary's* court, 400 lbs. of tobacco. *Ibid.*

—— For any fee upon writs of error or appeal, 600 lbs. of tobacco. *Ibid.*

—— Any practitioner demanding or receiving more than by this act appointed, ſhall be incapable of practiſing the law in any court in this ſtate for the future. *Ibid.* § 8.

Attornies fees, by this act, are levyable by execution as other officers fees, and the ſheriffs are obliged to levy and execute the ſame accordingly. *Ibid.* § 10.

All bills, bonds, or other ſpecialties, taken by an attorney, ſhall be endorſed for what or how they became due, or in default thereof ſhall be void. *Ibid.* § 9.

Attornies fees, in caſes of equity before the county courts, to be the ſame as in other actions therein, ſubſtituting 2500 lbs. of tobacco for 2000 lbs. as to the ſum recovered. 1763, ch. 23, § 12.

—— No attorney ſhall charge or take more than one fee on any bond, although there may be one or more ſureties, for ſuing or bringing the ſame to judgment, &c. or defence of the ſame action. 1747, ch. 23, § 6.

Attornies practiſing in any county court are liable to actions in that county as if they were inhabitants thereof. 1722, ch. 12, § 4.

Where actions are diſcontinued, through the default of an attorney, he may be fined 5000 lbs. if in the general court, and 2000 lbs. if in the county court, and all the coſts of the ſuit diſcontinued. 1721, ch. 14, § 2.

Where attornies neglect their client's cauſe, the county courts, (when the lawful coſts, accruing by ſuch negligence, do not exceed 400 lbs. of tobacco,) are empowered to adjudge the attorney to pay the ſame, but if above 400 lbs. of tobacco, the client ſhall be left to his remedy at common law. 1722, ch. 12, § 4.

In ſuits, for any thing done in purſuance of the act for the relief of the poor within the ſeveral counties therein mentioned, the defendant, on verdict, nonſuit or diſcontinuance, ſhall recover treble coſts, for which the attorney is liable, unleſs ſecurity is given by the plaintiff. 1768, ch. 29, § 24.

On petitions for freedom hereafter inſtituted, when they ſhall be diſmiſſed, or on trial judgment be rendered againſt the petitioner, the attorney ſhall pay all legal coſts, unleſs the court ſhall be of opinion, under all circumſtances, that there was probable ground to ſuppoſe the ſaid petitioner had a right to freedom. 1796, ch. 67, § 25.

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Manner of tranſmitting a warrant of attorney to the general court, with a recognizance of bail. 1715, ch. 28, § 4.

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The auditor of public accounts ſhall take an oath, that he will not, directly or indirectly, receive any fee or reward for doing his office, but what is or ſhall be allowed by law, nor will, directly or indirectly, receive the profits, or any part of the profits, of any office held by any other perſon, and that he does not hold the ſame office in truſt, or for the benefit of any other perſon. *Ibid.* 52.

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Commiſſioners appointed to lay off the election diſtricts in Baltimore county, and to fix the place of holding the elections in each. *Ibid.* § 20.

Baltimore-town laid out. 1729, ch. 12.

Baltimore-town and Jones's-town, (before erected by 1732, ch. 14,) incorporated. 1745, ch. 9.

Regulations as to bridges, lots, &c. 1747, ch. 21.

An addition made of land formerly between Baltimore-town and Jones's-town. *Ibid.*

The town enlarged on the north and eaſt ſides. 1750, ch. 11.

—— Enlarged on the weſt ſide. 1753, ch. 20.

—— Penalty for obſtructing the navigation thereto. *Ibid.* ch. 27.

—— Enlarged on the weſt and ſouth ſides. 1765, ch. 2.

Proviſion for reclaiming a marſh, to be a part of the town. 1766, ch. 22, 1768, ch. 22, September, 1770, ch. 7.

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A leaſe from Thomas Harriſon of a lot on which the houſe ſtood confirmed. November, 1773, ch. 8.

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An addition made of land belonging to J. E. April, 1782, ch. 2.

—— Of land belonging to Benjamin Rogers, and November, 1782, ch. 8.

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Wardens appointed for the port. April, 1783, ch.

—— A ſupplement. November, 1788, ch. 20.

Hanover-ſtreet to be opened. November, 1783, 1784, ch. 46.

The court-houſe to be underpinned and arched, and ſtreet extended. 1784, ch. 18.

A ſurvey of the town to be made. *Ibid.* ch. 39.

Proviſion made for opening a canal from the head of to the Ferry branch of Patapſco river. *Ibid.* § 7, 179 1797, ch. 64.

New markets eſtabliſhed and regulated. 1784, ch.

A night watch eſtabliſhed. *Ibid.* ch. 69.

—— A ſupplement. November, 1792, ch. 69.

A market eſtabliſhed at Fell's Point. 1785, ch. 33

—— A Supplement. May, 1788, ch. 17.

Property in Baltimore-town to be valued ſeparately in the county. 1785, ch. 53, § 3, 4.

The commiſſioners empowered to receive a grant of ground for ſtrangers, &c. *Ibid.* ch. 37.

The veſtry of Saint-Paul's pariſh empowered to grant of land for the reſidence of the miniſter. *Ibi* 1790, ch. 4.

The Baltimore inſurance fire company eſtabliſhed 1787, ch. 20.

A board eſtabliſhed for the regulation of pilots. 1787, ch. 26.

Regulations for mooring and ſtationing veſſels. 1788, ch. 20.

The bank of Maryland eſtabliſhed. 1790, ch. 5.

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The right of the quakers to certain lots confir ch. 20.

A health officer to be appointed. *Ibid.* ch. 56.

An act reſpecting the puniſhment of criminals.

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German reformed congregation in Baltimore incorporated. ch. 16.

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BANISHMENT.

nator, delegate, or member of the council, who ſhall execute any office of profit, or receive, directly or in- any time, the profits, or any part of the profits, of exerciſed by any other perſon, during his acting as on conviction, be puniſhed as therein directed, or niſhed this ſtate for ever. Conſt. 39.

vernor, chancellor, judge, regiſter of wills, attorney- giſter of the land-office, commiſſioner of the loan- er of the chancery court, or any clerk of the com- urts, treaſurer, ſheriff, ſurveyor, or auditor of the nts, who ſhall receive, directly or indirectly, at any profits, or any part of the profits, of any office held er perſon, during his acting as ſuch, ſhall, on con- puniſhed as therein directed, or be baniſhed this ſtate ever. 53.

BANISHMENT.

Perſons forging or counterfeiting foreign coins ſhall, for the ſecond offence, be branded on the cheek, and baniſhed. 1707, ch. 4, § 2.

Perſons counterfeiting and uſing a public ſeal of the ſtate, or ſtealing the ſame, or corruptly affixing it to any deed, &c. ſhall be whipped, pillored, and baniſhed for ever. 1717, ch. 8.

Perſons marrying within the degrees of conſanguinity therein mentioned to forfeit £. 500 0 0, or be baniſhed the ſtate for ever. February, 1777, ch. 12, § 2, 1785, ch. 35, 1790, ch. 20.

The governor empowered to commute any ſentence of death to baniſhment, on ſuch terms, and for ſuch period, as he ſhall think expedient. 1795, ch. 82.

BANKS.

A ſubſcription to be opened for ſhares in a bank in Baltimore-town. 1790, ch. 5, § 2.

—— Directions for payment of the ſubſcriptions, and conſequence of failure. *Ibid.* § 3.

—— Proviſions for voting by the ſubſcribers, their agents or proxies, and for the transferring of ſhares. *Ibid.* § 4.

—— Directions for calling a meeting of the ſubſcribers, chooſing directors and a preſident, and ſupplying their vacancies, *Ibid.* § 5.

The preſident and directors, (when elected,) and their ſucceſſors, incorporated, by the name of "The Preſident and Directors of the Bank of Maryland," to have perpetual ſucceſſion, to ſue and be ſued, &c. and to execute every matter authoriſed by this act. *Ibid.* § 6.

Directions for quarterly meetings, adjournments and ſpecial meetings. *Ibid.* § 7.

The directors to determine the mode of buſineſs, &c. appoint officers, diſpoſe of the money and credits of the bank, and make, at the expiration of the firſt year, a dividend of profit, and ever after, half yearly dividends. *Ibid.* § 8.

A majority of the votes of nine directors neceſſary to appoint a caſhier. *Ibid.* § 9.

Three directors to be choſen at the quarterly meetings to inſpect the buſineſs, &c. *Ibid.* § 10.

Mode of proſecuting perſons concerned in the bank who ſhall commit any fraud therein. *Ibid.* § 11.

Stockholders, &c. not to be liable for any loſs or failure of the capital to a greater amount than their ſhares appearing by the books at the time. *Ibid.* § 12.

On failure of payment by perſons indebted by writings, made negotiable at the bank, the preſident, on notice, is empowered to apply to the clerk of the general or county court for an execution. *Ibid.* § 13.

—— The clerks directed to iſſue ſuch executions as on judgements, which ſhall not be ſtayed by ſuperſedeas, writ of error, appeal, or injunction from the chancellor. *Ibid.*

—— Previous requiſites to be complied with by the preſident as to proof and directions for a trial by jury, if neceſſary, on the return of the execution. *Ibid.*

—— The act for regulating the mode of ſtaying execution, not to affect judgments or executions under the act of 1790, ch. 5. 1791, ch. 67, § 6.

—— Puniſhment for forging or ſtealing the notes. *Ibid.* § 14, April, 1792, ch. 1.

See BANK NOTES.

A ſubſcription to be opened for ſhares in a bank to be eſtabliſhed in the diſtrict of Columbia. 1793, ch. 30, § 2.

—— Directions for making the payments in certain proportions, at ſtated times. *Ibid.* § 3.

—— The ſtockholders empowered to ſuſpend payments. *Ibid.*

—— Empowered to pay the whole, or any part due, at any time, on the conditions therein mentioned. 1795, ch. 77.

—— No

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—— No forfeiture to be thereafter incurred for non-payment of inſtalments. *Ibid.* § 3.

The commiſſioners of the city of Waſhington empowered to ſubſcribe for and hold ſhares not exceeding 2000. 1793, ch. 30, § 4.

Proviſions for voting by the ſubſcribers, their agents or proxies, and for transferring ſhares. *Ibid.* § 5.

Directions for calling a meeting, chooſing directors and a preſident, and ſupplying vacancies. *Ibid.* § 6.

The ſtockholders to be incorporated, by the name of "The Preſident, Directors and Company, of the Bank of Columbia." *Ibid.* § 7.

—— To have ſucceſſion until congreſs ſhall exerciſe juriſdiction in, and aſſume the government over, the territory of Columbia, and until they ſhall by law annul the charter herein granted. *Ibid.*

—— Enabled to hold certain lands, goods, &c. to ſue and be ſued, and to do every other matter authoriſed by the act. *Ibid.*

Directions for quarterly meetings, adjournments and ſpecial meetings. *Ibid.* § 8.

The board of directors to determine the mode of buſineſs, the rules, &c. to appoint and pay their officers, to diſpoſe of the money and credit of the bank, and to make, at the end of the firſt year, a dividend of profit, and ever after, half yearly dividends. *Ibid.* § 9.

A majority of nine directors preſent, declared neceſſary in the appointment of a caſhier. *Ibid.* § 10.

The board to chooſe three directors at every quarterly meeting, to examine the accounts, &c. *Ibid.* § 11.

Mode of proſecuting perſons concerned in the bank committing any fraud or embezzlement touching the money or property. *Ibid.*

—— Such perſons to forfeit all their ſtock in the company. *Ibid.*

No member to be anſwerable for any loſſes or deficiencies of the capital ſtock for more than ſhall appear by the books to belong to him at the time of ſuch loſs. 1793, ch. 30, § 13.

On failure of payment by perſons indebted for monies borrowed, or by writings expreſsly made negotiable at the bank, the preſident is empowered to apply to the clerk of the general or county courts for an execution. *Ibid.* § 14.

—— The clerks directed to iſſue ſuch executions as on judgements, which are not to be ſtayed by ſuperſedeas, writ of error, appeal, or injunction from the chancellor. *Ibid.*

—— Previous requiſites to be complied with by the preſident, as to notice and proof, and directions for a trial by jury, if neceſſary, on the return of the execution. *Ibid.*

—— The act for regulating the mode of ſtaying execution not to affect judgments or executions under the act of 1793, ch. 30. 1791, ch. 67, § 6.

Puniſhment for forging or ſtealing the notes. *Ibid.* § 15, 16.

See BANK NOTES.

Certain ſtatements of the ſtock received, directed to be publiſhed by the preſident. *Ibid.* § 17.

A bank to be eſtabliſhed at Baltimore, the original ſtock not to exceed 1,200,000 dollars, and to be divided into ſhares of 300 dollars. 1795, ch. 27, § 1.

—— Directions for opening ſubſcriptions in the different counties, and as to the manner and terms of ſubſcribing. *Ibid.* § 2, 3, 4.

—— Manner of making the payments. *Ibid.* § 5.

The ſubſcribers, their ſucceſſors and aſſigns, created a corporation, by the name of "The Preſident, Directors and Company, of the Bank of Baltimore." *Ibid.* § 6.

—— Enabled to receive, enjoy and diſpoſe of, lands, goods, &c. to ſue and be ſued, and to make a common ſeal, to make by-laws and regulations, and to execute all other things nece *Ibid.*

Proviſion for chooſing directors, and commencing the tions of the bank. *Ibid.* § 7, 8.

—— Directions for providing a houſe, ſtationary, &c. *Ibi*

Penalty on failure of paying the firſt part of the firſt ment. *Ibid.* § 10.

The directors to appoint officers, &c. and allow them co ſation. *Ibid.* § 11.

Certain rules, reſtrictions, &c. therein inſerted, declared the fundamental articles of the conſtitution of the ſaid co tion. *Ibid.* § 12.

This act to continue twenty years, and until the end next ſeſſion of aſſembly thereafter. *Ibid.* § 13.

The ſtate empowered to ſubſcribe, &c. *Ibid.* § 12.

See STATE.

BANK NOTES.

Perſons forging or counterfeiting any of the notes or of the bank of Maryland, or paying, tendering, paſſing fering to paſs them, knowing them to be forged or counte ſhall, on conviction, be adjudged felons, and ſuffer ſuch ment as ſhall be adjudged by the court, not to extend to or more than ſeven years ſervitude. 1790, ch. 5, § 14.

The ſtealing, or taking by robbery, any of the note bank of Maryland, conſtrued to be felony, as if of a goods of the value due thereon, and puniſhable in like April, 1792, ch. 1.

—— The like puniſhment for forging or ſtealing note bank of Columbia. 1793, ch. 30, § 16.

The ſtealing, or taking by robbery, any of the note bank eſtabliſhed, or that may be eſtabliſhed, under a from the government of the United States, or of any p ſtate, conſtrued to be felony, as if of any other goods o lue due thereon, and puniſhable in like manner. 1793 § 1.

—— The like puniſhment for ſtealing any check drawn on ſuch banks. 1797, ch. 96, § 1.

Perſons forging or counterfeiting any of the notes of any bank eſtabliſhed, or that may be eſtabliſhed, charter from the government of the United States, particular ſtate, or paying, tendering, paſſing, or offerin them, knowing them to be forged or counterfeited, conviction, be adjudged felons, and ſuffer ſuch puniſhm they had been adjudged guilty of ſtealing goods of the thereon. 1793, ch. 35, § 2.

—— The like puniſhment for forging, &c. any ch der drawn on ſuch banks. 1797, ch. 96, § 2.

The bank of Baltimore ſhall not iſſue notes for leſs dollars. 1795, ch. 27, § 12.

BANKRUPTS.

The commiſſioners of bankrupts in England entitle goods in the hands of factors here, not accounted f principal, and to an account thereof. 1704, ch. 29,

—— The factors of ſuch commiſſioners obliged f ſecurity to ſatisfy the debts contracted here by ſuch or their factors, after importation of ſuch cargoes.

—— No aſſignment, aſſurance, conveyance, dee other writing whatſoever, of any goods, &c. execut ſons trading here, and reſiding in Great-Britain, or elſe of the (then) province at the time of executing the of any force till the perſon to whom ſuch aſſignment or his agent or attorney, ſhould give bond to ſatisf due from ſuch aſſignors, &c. to reſidents here, ſo goods, &c. ſhould come into his poſſeſſion. 1753, c

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BANKRUPTS.

Provisions for recording and getting assignment of such *Ibid.* § 2.
Such bond not pleadable after three years, saving three case of infancy, &c. *Ibid.*

BANK STOCK.

stock in the bank of England, or the money arising from thereof, pledged for the redemption of the bills of cre- emitted under this act. June, 1780, ch. 24, § 11.
trust and power reposed in the trustees for the state in (mentioned in the preamble,) to cease and determine, that of transferring the stock in the bank of England to t appointed by this act. April, 1783, ch. 35, § 2.
Such agent authorised to call on the trustees, or their to surrender their trust, to render an account, and to the stock. *Ibid.*
Such agent authorised to sell and transfer the stock so ceived, to remit the money to the governor and council, it for safety, if so directed by them, and to be governed instructions. *Ibid.* § 3.
The agent to be entitled to such commission as the gover- council might agree for, (not exceeding 4 *per cent.*) and, ilure,) no expences to be defrayed by the state. *Ibid.*
overnor and council authorised to appoint and commissi- behalf of the state, some person of abilities, &c. to be trustee under this act, and to take bond for perform- *Ibid.* § 4.
ent authorised to pay bills of exchange drawn by the under an act respecting bills of credit. *Ibid.* § 5.
proceedings in the chancery court of Great-Britain by approved, ratified and confirmed. 1784, ch. 76, § 2.
The agent authorised to act therein in behalf of the relate back to his appointment,) and such decree as made to be confirmed by the state. *Ibid.*
irections as to making the attorney-general of England *Ibid.* § 3.
The governor and council authorised to instruct the agent (and particularly as to certain claims,) and he directed ch instructions. *Ibid.* § 4.
vernor and council requested to receive from the agent ils of measures to be executed by him concerning the to instruct him relative thereto. 1785, ch. 88, § 10.
nt empowered to assign, or otherwise dispose of, a sum ling £. 11,000, to be applied towards payment of a om Daniel Dulany, heir of Walter, to Osgood Han- which his property sold by the state was mortgaged. 90, § 2.
e agent empowered, with the approbation of the go- council, to compound, compromise, settle and agree rustees of the bank stock, or any other person or per- ming the same, on such terms as the governor and der all circumstances, might think for the advantage *Ibid.* § 3.
nt empowered, on recovering the bank stock, to trans- rtain trustees therein named. 1791, ch. 86, § 2.
misnomer as to one of the trustees corrected. 1796,

rections for procuring the stock to be conveyed, in the , to the said trustees. 1791, ch. 86, § 3.
he said trustees authorised to sell a part of the said count of a debt to Osgood Hanbury, and company.

rision for filling vacancies among the said trustees.

e agent desired to give information to the executive, nicated to the legislature. *Ibid.* § 6.

BAPTISM.

Negroes not entitled to freedom by being baptised. 1715, ch. 44, § 23.
All baptisms of free persons in a parish by any protestant minister, made known to the parish register, shall be entered by him in a book provided for the purpose. 1798, ch. 24, § 19.
—— The ministers directed to acquaint the registers therewith. *Ibid.*
—— If celebrated in any other parish, they shall acquaint the minister or a vestryman thereof. *Ibid.* § 20.
—— Penalty on ministers, &c. failing in the duties assigned them. *Ibid.* § 21.
—— The register of the parish to have the custody of all the registers of baptisms, &c: to be shewn to any body reasonably desiring it. *Ibid.* § 22.
—— To give a certificate thereof, which, when signed by him, and under the common seal of the vestry, shall be evidence. *Ibid.*

BAPTIST CHURCH.

The committee of the Baptist church, and their successors, incorporated. 1798, ch. 30.
—— Regulations respecting the same. *Ibid.*

BEARD's POINT.

An inspection of tobacco established there. 1791, ch. 52.

BEEF.

See INSPECTION.

BELLE-AIR.

An act to determine whether the court-house and prison of Harford county should be erected at *Belle-Air* or *Havre-de-Grace*. 1786, ch. 24.

BENTZ-TOWN.

Market-house to be erected therein. 1795, ch. 14.

BEQUEST.

See LEGACY.

BIGAMY.

The British statute of 1 James I. against bigamy, declared to be in force in this state. 1706, ch. 8.
The general court empowered to declare any second marriage, the first subsisting, null and void. February, 1777, ch. 12, § 15.
—— Manner of proceeding on an appeal from their judgement. *Ibid.*

BILL.

An answer to be compelled to a bill of discovery in the county court, in the manner therein mentioned. 1796, ch. 43, § 7.
A plenary proceeding by a bill or petition may be directed by the orphans court. 1798, No. 101, ch. 15, § 16.

BILLS OF COST.

The clerks of courts of record, the register of the chancery court, and of the *commissary's* court, directed to deliver to defendants, if required, full copies of all costs recovered against them. 1731, ch. 15, § 3.
—— On refusal, to forfeit 2000 lbs. of tobacco. *Ibid.*

BILLS OF EXCHANGE.

On all bills of exchange hereafter drawn in this state on any person, corporation, &c. in a foreign country, and regularly protested, the person entitled thereto may recover

BILLS OF EXCHANGE.

—— So much money as will purchaſe a good bill of the ſame time of payment, and on the ſame place, at the current exchange of ſuch bill,

—— Fifteen *per cent.* damages on the value of the principal ſum in the ſaid bill,

—— Coſts of the proteſt,

—— Legal intereſt on the principal from the time of the proteſt till the principal and damages are paid. 1785, ch. 38, § 1.

—— An endorſer, paying to the perſon entitled the aforeſaid value, damages and intereſt, may recover the ſum paid, with legal intereſt upon the ſame, from the drawer or perſon, &c. liable. *Ibid.*

Inland bills or orders, drawn by a citizen, company, &c. of any other of the United States, or any perſon reſiding or being therein, on any perſon, company, &c. of this ſtate, or any perſon reſiding or being therein, ſhall be liable to official proteſt by a notary public, or the clerk of any county court, who are veſted with authority to make ſuch proteſts, under their reſpective ſeals of office. *Ibid.* § 2.

—— On all bills of exchange or orders, hereafter drawn in this ſtate, on any perſon, company, &c. in any other of the United States, and proteſted according to the laws or cuſtoms of the ſtate where payable, the perſon entitled may recover

—— So much money as will purchaſe a good bill of exchange at the current exchange of ſuch bills,

—— Eight *per cent.* damages on the value of the principal ſum in the ſaid bill,

—— Coſts of the proteſt,

—— Legal intereſt thereon from the time of the proteſt till the principal, damages and intereſt, are paid. *Ibid.* § 3.

—— On payment by the endorſer, he may recover, as above, on foreign bills. *Ibid.*

Bills drawn before this act, and already or hereafter proteſted, ſubject to the regulations in the act of 1715, ch. 7, which is hereby repealed. *Ibid.*

Where an endorſer of a bill of exchange that ſhall be proteſted, and unpaid by the principal debtor, ſhall diſcharge or tender the ſum due thereon, the endorſer ſhall aſſign to him ſuch proteſted bill, and the aſſignee ſhall then have action in his own name againſt the principal debtor. 1763, ch. 23, § 7.

Proof required on a bill of exchange produced againſt the eſtate of a deceaſed perſon. 1798, No. 101, ch. 9, § 4.

Puniſhment for forging or counterfeiting, &c. bills of exchange, or acceptances thereof. 1799, ch. 75, § 1, 2.

—— For ſtealing bills of exchange, or receiving them knowing them to be ſtolen. *Ibid.* § 3.

BILLIARD TABLES.

Excepted out of the act to prevent exceſſive gaming, prohibiting E. O. &c. and faro tables. 1797, ch. 110, § 2.

The county clerks to grant licences to perſons applying for permiſſion to keep billiard tables, on payment of 50 dollars, for the uſe of the counties. 1798, ch. 113, § 1.

—— The licences to be renewed annually on the firſt of April. *Ibid.* § 2.

—— Perſons omitting to renew ſuch licences, and keeping their tables open, liable to the penalties impoſed by this act. *Ibid.*

—— Perſons applying for licences after the firſt of April, to pay in proportion, ending on the laſt day of March. *Ibid.*

—— Perſons keeping for uſe a billiard table without ſuch licence, forfeit 150 dollars, to be recovered by indictment. *Ibid.* § 3.

—— Nothing in this act to extend to Annapolis, Georgetown, the city of Baltimore or its precincts. *Ibid.* § 4.

BILLIARD TABLES.

—— The county clerks to lay before every ſeſſ levy court a return of the ſums received under this the penalty of 50 dollars. *Ibid.* § 5.

BIRTHS.

See BAPTISM.

BLADENSBURGH.

The raiſing of ſwine or geeſe, (except in enclo hibited therein. 1791, ch. 27, § 2.

BLASPHEMY.

How puniſhable. 1723, ch. 16, § 1, 13.

BOATS.

Puniſhment for ſtealing boats or other veſſels. 1737

—— Puniſhment for wilfully burning any other veſ ch. 20, § 2.

Directions for advertiſing boats, &c. drove from th and forfeiture for neglect. 1753, ch. 10.

BODIES POLITIC.

See CORPORATIONS.

BONDS.

Bonds bearing more than legal intereſt are vo ch. 69, § 2.

Bond required to ſtay execution on appeal or w 1713, ch. 4, § 2, 1785, ch. 87, § 6.

—— On appeals from the judgment of a ſingle 1791, ch. 68, § 5.

See APPEALS.

Bond required to ſtay execution on judgments, a a deciſion is prayed on principles of equity. 1791,

Directions reſpecting ſuits on ſheriffs, teſtamen miniſtration bonds. 1718, ch. 5, 1720, ch. 24,

Injunction bonds may be taken by the county c judgments therein. 1723, ch. 8, § 5.

—— The form thereof preſcribed. *Ibid.*

The chancellor empowered to preſcribe the pen for obtaining writs of error to the general court o peals by executors or adminiſtrators, on a ſtatemen them, ſupported by affidavit or other proof. 1 § 2.

When an application is made for an injunction, t is empowered to preſcribe the penalty of a bond t to the plaintiff at law, with a ſurety or ſureties.

—— The condition of ſuch bond preſcribed.

Bonds, (except to the ſtate,) ſhall not be good after the principal debtor and creditor have both years, or the debt or thing in action above 12 y 1715, ch. 23, § 6.

—— A ſaving to infants, &c. the benefit there after the diſability removed. *Ibid.*

Actions on adminiſtration and teſtamentary brought within 12 years. 1729, ch. 24, § 21.

—— Saving to infants, &c. the benefit ther years after their coming of age, &c. *Ibid.* § 22.

See LIMITATIONS.

Actions on ſheriffs bonds ſhall be brought w ſaving to *the ſtate* the right of ſuing at any t fants, &c. within 5 years after ſuch impediment ch. 25, § 3, 4.

Bonds taken by ſheriffs in their own countie continuance in office, ſhall be void, without an the conſideration. 1715, ch. 46, § 13.

BONDS.

The time they remain in office not to be reckoned in act of limitation. *Ibid.* § 14.

Bonds to be given by county clerks, regiſter in chancery and the land-office. 1716, ch. 1, 1742, ch. 10.

See CLERKS. CHANCERY. LAND.

No judgment to be confeſſed or given on a power of attorney, nate or contained in a judgment bond. 1747, ch. 23, § 2.

The fee only to be charged by an attorney on any bond, ch there be one or more ſureties thereto, ſuch fee to be from the ſum due, and not from that mentioned in the tion. 1747, ch. 23, § 6.

No county clerk ſhall iſſue more than one writ on ſuch s, where the principal and ſecurities reſide in the ſame coun- and the fees to be charged accordingly. *Ibid.* § 7.

Where the principal and ſureties live in ſeparate coun- ſeparate proceſs may iſſue from the general court, but only rit if they reſide in the ſame county, and the fees to be ed accordingly. *Ibid.* § 8.

This act not to extend to any action where the plaintiff direct his attorney to commence ſeveral actions, or where a ſhall be ſent to the office for ſuing of ſeveral writs to the bond. *Ibid.* § 9.

ds taken by attornies to be endorſed for what they became to be void. *Ibid.* ch. 48, § 9.

ds to be given by the agents or attornies of nonreſidents ing aſſignments or conveyances, conditioned for the pay- of all debts due from the aſſignor or conveyer at the time, dents of the ſtate, as far as the goods, &c. ſhall come to poſſeſſion. 1753, ch. 36.

BANKRUPTS.

ds ſatisfied by ſureties to be aſſigned to them. 1763, § 7.

Manner of recovery on bonds aſſigned. *Ibid.* § 9, 10.

ASSIGNMENT.

ds to be given by creditors to indemnify the ſheriff on g ſuit on any cauſes of action aſſigned by an inſolvent 1774, ch. 28, § 3.

By creditors alleging that an inſolvent priſoner has ſold aled his eſtate, &c. *Ibid.* § 8.

houſe of delegates may direct all office bonds, (payable tate,) to be ſued for any breach of duty. Conſt. 10.

ctions for ſuing on bonds taken for the uſe of the ſtate. , 1777, ch. 20, § 26.

governor and council empowered to put in ſuit the bonds collectors of public aſſeſſment, and all perſons authoriſed ect taxes, duties, or any other public money. 1785, § 8.

ns intereſted in adminiſtration or other public bonds taken ame of the late proprietary, empowered to ſue in their e for the penalty. October, 1778, ch. 20, § 2.

They may *declare* that ſuch bonds were paſſed to the therein named, whereby action accrued to them to de- om the obligor the penalty therein, and judgment ſhall for the ſum juſtly due. *Ibid.*

Suits then depending to be proceeded on in the name of iffs in the original writs. *Ibid.*

Such ſuits not to abate by the death of the late pro- *Ibid.*

The plea of *non est factum* not to be received on admi- teſtamentary, ſheriffs or other public bonds, unleſs affidavit of the party. *Ibid.* § 5.

to be given by the regiſter of wills. February, 1777, 6.

with ſecurity, to be taken every year as uſual from and no ſheriff ſhall be qualified to act before the ſame is Conſt. 42.

BONDS.

—— The form and penalty of ſheriffs bonds preſcribed. 1794, ch. 54, § 8.

—— Time and manner of taking and recording ſuch bonds. 1799, ch. 91, § 2.

See SHERIFFS.

Regulations reſpecting bonds given for gold and ſilver actually and *bonâ fide* lent. June, 1780, ch. 28, § 1.

—— Reſpecting bonds taken for tobacco paid to ſheriffs in diſcharge of taxes due from other perſons. October, 1780, ch. 21, § 4.

Bond directed to be given in caſes of application in chancery for the foreclosure of a mortgage where an infant is intereſted. 1785, ch. 72, § 2.

Bonds to be given by truſtees appointed by the chancellor to ſell property. *Ibid.* § 8.

—— Directions reſpecting bonds taken for the property ſold. *Ibid.* § 8, 9.

—— Reſpecting bonds to be required by the chancellor from truſtees appointed by will. *Ibid.* § 10.

—— Reſpecting bonds for the purchaſe money of the perſonal property of any idiot directed to be ſold by the chancellor. 1790, ch. 60, § 2.

The plea of *non est factum* not to be received unleſs on affidavit, or by executors, &c. on leave from the court. 1785, ch. 80, § 3.

In actions for the penalty of a bond, &c. the jury may, under the direction of the court, on the plea of payment or performance, find by verdict what money or tobacco is due to the plaintiff, whereupon judgment ſhall be entered for the penalty, to be releaſed on payment of the ſum due, and intereſt and coſts. 1785, ch. 80, § 13.

—— The ſum ſo due on bond, &c. with penalty, ſhall be conſidered in law as the true debt, and ſo pleaded by, and allowed to, executors or adminiſtrators. *Ibid.*

What ſhall be evidence of bonds executed in any other of the United States, or in any foreign country. 1785, ch. 46, § 3.

Britiſh creditors, and their agents, directed to give bond, with ſuch ſecurity, and in ſuch penalty, as the chancellor ſhould approve, to pay the debts due to citizens of this ſtate, as far as debts ſhould be collected by them. 1786, ch. 49, § 3.

What ſhall be the voucher of a bond againſt the eſtate of a perſon deceaſed. 1798, No. 101, ch. 9, § 4, 10.

Bonds to be given by the inſpectors of tobacco. 1789, ch. 26, § 15.

Directions reſpecting bonds to be given by public debtors. 1789, ch. 47.

Bonds directed in caſes of replevin under the warrant of a magiſtrate for property diſtrained for taxes. 1790, ch. 53, § 12.

Bonds to be given on the renewal of loſt certificates. November, 1792, ch. 38.

Bonds to be given by the ſupervifors of the roads. 1794, ch. 52, § 7.

See ROADS.

Bonds to be given by collectors of the county tax. 1794, ch. 53, § 1.

—— Manner of ſuing thereon. 1797, ch. 69, § 5.

On ſuits on adminiſtration, teſtamentary, inſpectors, collectors or ſheriffs bonds, the clerks ſhall, before the iſſuing of the writs, endorſe thereon the names of the parties at whoſe inſtance, and for whoſe uſe, the ſuit was inſtituted, who, in caſe of *non pros*, verdict, &c. ſhall be anſwerable for the legal coſts. 1794, ch. 54, § 10.

Bonds to be given by coroners. 1797, ch. 95, 1799, ch. 91.

See CORONER.

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Directions for the execution and recording of teſtamentary and adminiſtration bonds. 1798, No. 101, ch. 3, § 1, 2, 4, 5, 10.

—— Actions to be maintained on copies of ſuch bonds. *Ibid.* § 10.

—— The condition preſcribed. *Ibid.* § 11.

Bonds executed by an executor, (or executrix unmarried,) above eighteen, ſhall be binding as if they were of full age. *Ibid.* ch. 4, § 7, 8.

—— Married women not entitled to letters teſtamentary unleſs their huſbands give bond. *Ibid.* § 8.

Bond with ſecurity to be taken in ſales of the perſonal eſtates of deceaſed perſons. *Ibid.* ch. 8, § 3.

Bond to be given by perſons procuring from the court an order for the payment of a part of a diſtributive ſhare or legacy. *Ibid.* ch. 10, § 7.

The orphans court may call on guardians under the ſtatute, or natural guardians, to give bond. *Ibid.* ch. 12, § 3.

Guardians directed to give bond, and the form preſcribed. *Ibid.* § 4.

Executors or adminiſtrators not obliged to exhibit inventories or accounts if they will give bond as therein directed for paying all juſt debts, claims and legacies, in the caſes therein mentioned. *Ibid.* ch. 14, § 6, 7.

Bond to be given by perſons in whoſe care property ſequeſtered by the orphans court is placed. *Ibid.* ch. 15, § 15.

Bond with ſecurity to be taken on the ſale of an eſtate on credit under the act to direct deſcents. 1799, ch. 49, § 4.

Puniſhment for forging, counterfeiting or ſtealing bonds. *Ibid.* ch. 75.

Directions to the ſtate's agent reſpecting the taking of bonds from ſtate debtors, and reſpecting the then debtors on bond. *Ibid.* ch. 80, § 3, 5, 12, 17, 18, 19.

The agent to give bond to the ſtate before the governor and council, with ſecurity to be approved by them, for the performance of his duties. *Ibid.* § 23.

The mayor of George-town directed to give bond to the ſtate for the payment to the treaſurer of all ſums received by him for the ſtate for ordinary and retailers licences. *Ibid.* ch. 85, § 4.

BONIS PROPRIIS.

On a judgment as therein directed againſt an executor or adminiſtrator, a *fieri facias* may iſſue, and either his own goods, or the goods of the deceaſed, may be thereon taken and ſold. 1798, No. 101, ch. 8, § 9.

BOOKS.

The county courts empowered, on motion, at the firſt court after the appearance court, ſupported by affidavit that the ſame is not intended for delay, and due notice being given, to require the parties to produce copies, certified by a juſtice of the peace, of all ſuch parts of all books or writings in their poſſeſſion or power as contain evidence pertinent to the iſſue. 1796, ch. 43, § 7.

—— Judgment to be given in caſe of refuſal. *Ibid.*

—— But either party may, on ſuch rule, produce the original books or papers. *Ibid.*

The chancellor may, on the application of either party, in actions in the general court, or on bills in the chancery court, require and decree that the parties ſhall produce either the original book, &c. or certified copies, on being ſatisfied by oath, &c. that the ſaid books or papers contain evidence pertinent to the iſſue, and that the party cannot ſafely go to trial without them. 1798, ch. 84.

BOUNDARIES.

No perſon ſhall, on any pretence, cut down or deſtroy boundary tree of his own or any other perſon's land, thou ſhould ſtand within his own land, under the penalty of 500 of tobacco. 1722, ch. 8, § 2.

—— Any perſon preſuming, without lawful authority bound any tree, or to ſet up other boundaries for his o others lands, in lieu of any original boundary, without g notice to all perſons concerned therein of the time and propoſed for ſetting up ſuch boundary, or who, (if they d appear,) ſhall not take with him four ſubſtantial freehold be preſent thereat, ſhall forfeit on every conviction 5000 l tobacco. *Ibid.* § 3.

—— In all ſuch proſecutions the attorney-general, &c. be as particular as poſſible in deſcribing the place or lan fected by the ſetting up or deſtroying ſuch boundaries. *Ibi*

On petition of any land-holder for a commiſſion to ex evidences to prove the bounds of his land, or other lands on the ſame may depend, &c. the county court may g commiſſion to four ſubſtantial freeholders in the county, n related to the parties, nor intereſted in the land, any t two of whom, (being firſt ſworn duly and impartially to ex and certify ſuch evidence,) may ſummon all ſuch evide ſhall be nominated by the petitioner, or others concerned, pear before them at a day appointed, upon the land, an examine all ſuch evidences upon oath concerning the thereof, and reduce ſuch evidence into writing in preſence the parties concerned there preſent, and return the ſame county court in perpetual memory. 1723, ch. 8, § 2.

—— All examinations ſo taken ſhall be good as if ta cording to the rules and practice in chancery, any de form, &c. notwithſtanding. *Ibid.* § 3.

—— The commiſſioners ſo appointed ſhall affix public at the pariſh church where the land lies, intimating the ti intention of their meeting, three Sundays at leaſt bef meeting, and the like notice ſhall be put up at the mo places of the county twenty days before ſuch meeting. *Ib*

—— Where any perſon known to be intereſted live the county, a like notice ſhall be fixed at the church doo pariſh wherein ſuch party reſides, forty days before ſuc ing. *Ibid.*

—— The commiſſioners ſhall return a certificate of tice having been given, together with the examinatio witneſſes. *Ibid.*

—— The commiſſioners and evidences ſhall have allowance as juſtices and evidences in the county cour levied in the ſame manner as officers fees. *Ibid.* § 6.

The commiſſioners under the act for marking and b lands may ſummon and compel the attendance of wit prove boundaries which are deſired to be perpetuated, take depoſitions, and return them, with their proceeding ſhall be as good evidence as if a commiſſion for that pur iſſued under the act of 1723, ch. 8. 1793, ch. 70, §

The act to eſtabliſh a mode to perpetuate teſtimony n tend to proving the boundaries of land, or to alter th that purpoſe. July, 1779, ch. 8, § 4.

The ſurveyor may inſert in any certificate any boun tificial or natural, as being at the end of the diſtance provided he ſhall actually meaſure ſuch diſtance. N 1781, ch. 20, § 14.

—— In caſe the length of the line expreſſed in ſu cate ſhall not reach the boundary, and the line ſhall been actually run, on caveat againſt grant iſſuing on vey the ſame ſhall be void, ſo far as that the land wh cluded by running from the end of the courſe and diſta end of the next courſe and diſtance, or to the next bo any, ſhall be liable to be affected as vacancy. *Ibid.*

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Every ſurveyor, before he enters on the execution of his ſhall ſwear or affirm, that he will not mention any boun- his certificate of any ſurvey, unleſs he ſhall actually run eaſure the diſtance to ſuch boundary, and that the boun- or boundaries by him returned ſhall be at the end of the expreſſed, and that the certificate does not contain more han certified by him, to the beſt of his knowledge and be- *Ibid.*

boundaries of election diſtricts, how to be certified. ch. 30, § 1.

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perſon ſeized of lands held under courſes and diſtances as to any of the lines thereof, (whether courſes and diſ- only are mentioned in the grant or deed, or whether by s of boundaries called for the perſon ſeized is confined to and diſtance,) and any perſon ſeized of the reverſion or der on an eſtate for life or lives therein, may apply by in writing to the county court for a commiſſion to mark und ſuch land, agreeable to the directions of this act. ch. 33, § 2.

Such perſon muſt give two months notice of his intenti- advertiſement ſet up at the court-houſe door of the coun- at the doors of the churches and other houſes of public in the hundred where ſuch land lies. *Ibid.*

The land muſt be named, or otherwiſe deſcribed, in the ſement. *Ibid.*

He muſt alſo, thirty days before the meeting of the ive notice in writing to the perſons holding the adjoin- s, if reſiding thereon, or if abſent, muſt leave ſuch no- their houſes. *Ibid.*

If no perſon lives on the adjoining lands, notice muſt four ſucceſſive weeks in the Baltimore and Annapolis pers. *Ibid.*

He muſt alſo give perſonal notice to the owner of the land, or to his agent or attorney, if known and in the irty days before the meeting of the court. *Ibid.*

The court, on proof being made to their ſatisfaction h advertiſements were duly ſet up and notice given, or other perſons intereſted appearing, may iſſue a commiſ- any five or three perſons, agreed on by all parties, em- them to mark and bound the land therein mentioned, to the directions of this act. *Ibid.*

If any of the perſons intereſted ſhould not agree upon ioners, the court ſhall appoint three or five perſons, ſkill- l affairs, not intereſted or related to either of the parties, a commiſſion ſhall iſſue. *Ibid.*

e divers perſons hold ſeparate parts of the ſame tract, any of them, may have a commiſſion to mark and bound e tract, and their particular parts thereof. *Ibid.* § 8.

ſon holding a younger ſurvey, and thereby intereſted in ation of interfering or neighbouring elder ſurveys, ſhall commiſſion to mark and bound ſuch elder ſurveys, to have e effect as if he had been ſeized thereof. *Ibid.*

Provided ſuch perſon ſhall give notice in writing to the ſeized of ſuch elder tract of his intention nine months e petition, and the perſon ſeized of the elder tract ſhall glected to obtain a commiſſion. *Ibid.*

Where the ſame tract is held by different perſons, and y in one county and partly in another, a commiſſion may ued to mark and bound the whole tract, and the parti- s of the applicant. 1793, ch. 70, § 4.

When any tract ſhall lie partly in this ſtate, and partly joining ſtate, a citizen of this or any other ſtate may a commiſſion to mark and bound the part within this *Ibid.*

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Such commiſſions to have the ſame effect as if the land had been wholly in one county, or in this ſtate. *Ibid.*

—— A commiſſion may iſſue, on application, notice, &c. to mark and bound land held by bodies politic and corporate. November, 1787, ch. 22.

Directions for the commiſſioners to give notice, and to meet to execute the commiſſion, after taking the oath therein preſcribed. 1786, ch. 33, § 3.

Manner of ſummoning and compelling the attendance of witneſſes, and adminiſtering an oath to them on taking their teſtimony. *Ibid.* § 4.

The commiſſioners may cauſe the land mentioned in the ſaid commiſſion, as well as any other lands they may think proper, to be ſurveyed by the ſurveyor of the county, or any other whom they may appoint. *Ibid.*

They may adminiſter an oath or affirmation to the ſurveyor and chain-carrier, to execute their reſpective duties. 1793, ch. 70, § 5.

They, or any two of them, may adjourn from time to time. 1786, ch. 33, § 4.

They, or the majority of them, or the major part of ſuch majority met, concurring in opinion, may and ſhall cauſe the land mentioned in ſuch commiſſion to be marked in the lines where convenient, and ſhall mark or ſet up boundaries at the termination of the lines when courſe and diſtance only are given, according to their adjudication and adjuſtment of the location thereof. *Ibid.*

They ſhall return a certificate of ſuch marked lines and boundaries to the court, under their hands, which return ſhall be received and recorded in the records of ſuch county, unleſs the court ſhall otherwiſe order becauſe of ill behaviour of the commiſſioners. *Ibid.*

They may ſummon and compel the attendance of witneſſes to prove boundaries which are deſired to be perpetuated, and may take depoſitions, and return them with their proceedings, which ſhall be as good evidence as if a commiſſion for that purpoſe had iſſued under the act of 1723, ch. 8. 1793, ch. 70, § 2.

The commiſſioners may apply to the county clerks for attachments againſt ſuch witneſſes not attending. *Ibid.* § 3.

The marking and bounding ſuch land, and the record thereof, ſhall be concluſive evidence of the original location, both as to the direction and termination of the lines, in caſe no ſuit ſhall be brought within 5 years from the recording ſuch return to call in queſtion the adjudication. 1786, ch. 33, § 5.

Where the adjudication ſhall be confirmed by the verdict of a jury, it ſhall conclude to every intent and purpoſe between the ſame parties and thoſe claiming under them. *Ibid.*

Five years allowed to infants, &c. after the diſability removed, to commence ſuit. *Ibid.*

The commiſſioners not empowered to vary from the lines or boundaries at the termination of them fairly agreed on between the parties. *Ibid.* § 6.

Such agreement, and a plot thereof, may, by conſent, be recorded, and ſhall have the ſame effect as if the location had been ſettled by commiſſioners. *Ibid.*

Allowance to the commiſſioners, ſurveyor, chain-carriers and witneſſes, and mode of compelling payment. *Ibid.* § 7.

Where the land, on the execution of a commiſſion, is deficient in the quantity for which it was granted, or is partly taken away by an elder ſurvey, the commiſſioners ſhall, on the requeſt of the party, cauſe any adjoining vacant land, (not exceeding the ſaid deficiency,) to be ſurveyed, marked and bounded, and ſhall return with their proceedings a certificate thereof. *Ibid.* § 9.

—— On ſuch certificate being recorded in the county records, and alſo in the records of patents in the land-office, the

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the party ſhall be ſeized of an eſtate in fee in the ſaid lands. *Ibid.*

When vacant land is ſo diſcovered, and is not requeſted to be applied to make good deficiency, the commiſſioners ſhall, if requeſted, award the pre-emption thereof, or a part thereof, to any proprietor of the lands adjoining. *Ibid.* § 10.

But the whole quantity to one proprietor not to exceed fifty acres, unleſs his adjoining tract exceeds 1000 acres, in which caſe they may allow at the rate of 5 for every 100 acres. *Ibid.*

The perſon obtaining ſuch pre-emption ſhall have ſix months to procure a warrant from the land-office to affect and ſecure the land, and on complying with the requiſites, a grant ſhall iſſue therefor. *Ibid.*

Nothing in this act to affect any land warrant already iſſued and located. *Ibid.* § 11.

BREAD.

Regulations reſpecting the packing and exportation of bread from Charles-town. 1744, ch. 22, § 13, 14.

The aſſize of bread regulated. 1789, ch. 8.

—— The powers given to juſtices by the above act veſted in the commiſſioners for the town of Eaſton. 1791, ch. 10, § 3.

The corporation of the city of Baltimore empowered to regulate the aſſize of bread. 1796, ch. 68, § 9.

BRIBERY.

If any perſon ſhall give any bribe, preſent or reward, or any promiſe, or any ſecurity for the payment or delivery of any money, or any other thing, to obtain or procure a vote to be governor, ſenator, delegate to congreſs or aſſembly, member of the council or judge, or to be appointed to any of the ſaid offices, or to any office of profit or truſt now created, or hereafter to be created, in this ſtate, the perſon giving and the perſon receiving the ſame, on conviction in a court of law, ſhall be for ever diſqualified to hold any office of truſt or profit in this ſtate. Conſt. 54.

Inſpectors of tobacco accepting or receiving, directly or indirectly, any gratuity, &c. for any thing done in purſuance of this act, other than his ſalary, ſhall, on conviction, forfeit £. 100, and be diſabled from holding the office during the continuance of this act. 1789, ch. 26, § 19.

—— Perſons offering them any gratuity, reward or bribe, ſhall, on conviction, forfeit £. 100. *Ibid.*

Penalty on perſons giving or promiſing any gift or reward to procure votes or ballots at elections. 1799, ch. 50, § 18.

BRICKS.

Regulations reſpecting the burning and dimenſions of bricks in the city of Annapolis. 1791, ch. 49.

—— Same in Kent county. November, 1792, ch. 16.

BRIDGES.

The owners of water mills in the counties not affected by the act of 1794, ch. 52, and other acts repealing the former road laws, directed to make and maintain good and ſufficient bridges on branches where public roads croſſed. 1753, ch. 16, § 2, February, 1756, ch. 12, § 2, 3.

The proprietors of the Suſquehanna canal obliged to erect a ſufficient bridge where the ſaid canal croſſes any public road. November, 1783, ch. 23, § 9.

The ſupervifors of the public roads ſhall make, amend, and keep in good repair, all ſuch bridges and cauſeways as are requiſite. 1794, ch. 52, § 7.

—— Not to extend to framed or arched bridges above fifteen feet in length, or to caſes where perſons are obliged by law or contract to keep bridges in repair. *Ibid.*

BRIDGES.

—— Penalty on ſuffering the bridges to be out of *Ibid.* § 9.

—— Penalty on any perſon deſtroying or injuring ſuch b *Ibid.* § 14.

The levy courts empowered to aſſeſs money for the re any one bridge in their reſpective counties, not exceedin in any one year. *Ibid.* ch. 53, § 4.

—— To aſſeſs money for erecting any one new brid exceeding £. 100 in any one year. *Ibid.*

—— Directions for rebuilding or repairing bridges at expence, where two or more counties are divided by *Ibid.* § 5, 6.

Proviſion made for building a bridge over the Eaſtern of Patowmack, near Bladenſburgh, where the great p leading to George-town croſſes. 1789, ch. 28.

A bridge to be erected over Patowmack by a corpora be called "The George-town Bridge Company." 1791,

Commiſſioners appointed for building a bridge over T creek, and the money to be levied in Talbot, Queen-An Caroline counties. 1794, ch. 48.

A bridge to be erected over the Eaſtern Branch of Pato by a corporation to be called "The Eaſtern Branch Bridg pany." 1795, ch. 62.

A bridge to be erected over Great Choptank river, i line county, and to be kept up and repaired as other bridges therein. 1795, ch. 80.

A bridge to be built over Dividing creek, between S and Worceſter counties. 1796, ch. 11.

Money directed to be levied for rebuilding the brid Jones's Falls, in Baltimore-town, and commiſſioners ap 1796, ch. 55, § 4, 5, 1797, ch. 120.

—— A company incorporated, by the name of "Th dent and Directors of the Water-ſtreet Bridge Compan building a bridge over the ſaid falls. *Ibid.* ch. 56.

Directions to the ſupervifors for making and repairing in Talbot county. 1797, ch. 63, § 7, 14.

A bridge to be built over the Eaſtern Branch, or A river, by a corporation to be called "The Anacoſtia Company." *Ibid.* ch. 92.

When the Cheſapeake and Delaware canal croſſes an road, bridges ſhall be made and kept up by the company. ch. 16, § 17.

BRIDGE-TOWN.

A market eſtabliſhed, &c. at Bridge-town, in Kent 1797, ch. 28, 1798, ch. 36.

BRITISH MERCHANTS.

The factors or agents of Britiſh merchants, or their pri then in the ſtate, directed to lodge with the auditor a li balances due to ſuch merchants, upon oath, unleſs bo ſecurity ſhould be given as therein after directed. 1786, § 2.

—— Such factors, &c. thereafter coming into the ſt rected to lodge with the auditor a liſt, upon oath, of due to ſuch merchants, within four months after their *Ibid.*

—— On neglect to deliver ſuch liſts, the debtors em to plead the non-compliance with this act. *Ibid.*

—— The courts of juſtice directed not to give ju againſt any citizen of this ſtate on any action brought b the ſaid merchants, or their agents, unleſs they produce tificate from the auditor that this act had been compli *Ibid.*

—— Every factor or agent appointed to collect debts fore the 17th of October, 1780, by citizens of this

BRITISH MERCHANTS.

...ts of Great-Britain, and every Britiſh creditor collecting, ...ed to give bond to the ſtate, with ſuch ſecurity, and in ...enalty, as the chancellor ſhould approve, conditioned to ... and pay all juſt debts due from ſuch creditor to any citi... this ſtate, ſo far as debts ſhould be collected by him. ...3.

... No debtor of any ſuch Britiſh creditor obliged to ...s debt before bond ſhould be given as thereby required.

... On ſuch bond and ſecurity being given, the Britiſh mer... agent or factor, not obliged to return the liſt as therein ...directed. *Ibid.*

BRITISH STATUTES.

... inhabitants of Maryland entitled to the benefit of ſuch ... Engliſh ſtatutes as exiſted at the time of their emigration, ...ich, by experience, have been found applicable to their lo... other circumſtances, and of ſuch others as have been ...ade in England or Great-Britain, and have been intro... uſed and practiſed by the courts of law or equity. ...3.

... Britiſh ſtatute of 1 James I, againſt bigamy, declared ...n force. 1706, ch. 8, § 1.

... governor ſhall not, under any pretence, exerciſe any ...r prerogative by virtue of any law, ſtatute or cuſtom, of ...d or Great-Britain. Conſt. 33.

...y proviſion, &c. in any Britiſh ſtatute, introduced, uſed ...tiſed under in this ſtate, inconſiſtent with, or repugnant ... thing contained in the act for amending the laws ...ing laſt wills, &c. is thereby repealed. 1798, No. ...2.

BROTHER.

...relations, except a widow, child, grand-child, father, ..., ſiſter or mother, ſhall be conſidered entitled to ad...tion, unleſs they apply therefor. 1798, No. 101, ...7.

...re be neither widow, nor child nor grand-child, nor ... brothers and ſiſters ſhall be entitled to adminiſtration. ...13.

... Males ſhall be preferred to females in equal degree. ...15.

...re be a brother, or ſiſter or child, or deſcendant of a ...or ſiſter, and no child, deſcendant, or father of an inteſ...e ſaid brother, ſiſter or child, or deſcendant of a brother ..., ſhall have the whole ſurplus of an inteſtate's eſtate. ...11, § 8.

... Every brother and ſiſter of the inteſtate ſhall be entitled ...qual ſhare, and the child or children of a brother or ſiſter ...d in the place of ſuch brother or ſiſter. *Ibid.* § 9.

BURIALS.

...urials of free perſons in the pariſh, by any proteſtant ... made known to the pariſh regiſter, ſhall be entered by ... book provided for the purpoſe. 1798, ch. 24, § 19.

... The miniſters directed to acquaint the regiſters there... *Ibid.*

... If celebrated in any other pariſh, they ſhall acquaint the ...or a veſtryman thereof. *Ibid.* § 20.

... Penalty on miniſters, &c. failing in the duty aſſigned ... *Ibid.* § 21.

... The regiſter of the pariſh ſhall have the cuſtody of all ...giſters, to be ſhewn to any perſon reaſonably deſiring it, ...rtificate to be given, which, when ſigned by him, and un... common ſeal of the veſtry, ſhall be evidence. *Ibid.*

BURNING OF HOUSES.

Puniſhment for burning houſes. 1720, ch. 25, 1729, ch. 4.

—— Of ſlaves for attempting to burn houſes. 1751, ch. 14, § 2, 3.

See CRIMES and PUNISHMENTS.

Damages, how to be recovered from inſpectors, on tobacco warehouſes being burnt, wilfully or by negligence. 1789, ch. 26, § 51.

BURYING-GROUND.

Land, not exceeding two acres for a church, meeting or other houſe of worſhip, and for a burying-ground, excepted from the prohibition of any ſale, deviſe, &c. of land to a miniſter, or any religious ſect, as ſuch. Decl. 34.

Burying-grounds not to be valued or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

CÆCIL COUNTY.

THE bounds of Cæcil county preſcribed. 1706, ch. 3.

A town erected, to be called Cæcil-town. 1730, ch. 6.

A town erected, to be called Frederick-town. 1736, ch. 19.

Charles-town erected at a place called Long Point. 1742, ch. 23.

—— Regulations reſpecting the ſame. 1744, ch. 22.

—— A ſupplement. 1745, ch. 2.

—— Proviſion for building an inſpection-houſe. 1750, ch. 12.

—— Further regulations reſpecting Charles-town. 1753, ch. 28.

Directions for ſpecial elections in Cæcil county to determine the place for holding courts and elections. November, 1781, ch. 9.

—— Proviſion made for condemning land at the place determined on for the building a court-houſe and gaol. *Ibid.*

The glebe-land of Saint-Mary-Anne's pariſh directed to be ſold. 1784, ch. 19.

The average value of lands eſtabliſhed in Cæcil county at 27*ſ.* per acre. 1785, ch. 53, § 2.

The ſeat of juſtice removed from Charles-town to the Head of Elk, &c. 1786, ch. 20.

Proviſion for removing and regulating the market at Elkton. April, 1787, ch. 31.

An act for the relief of the poor. November, 1787, ch. 18.

—— A ſupplement thereto. May, 1788, ch. 13.

Money directed to be raiſed for completing the public buildings. 1789, ch. 17.

A patent directed to iſſue to the veſtry of Saint-Mary-Anne's pariſh for four acres of land therein mentioned. *Ibid.* ch. 31.

Peter Lawſon, one of the ſecurities of John Ward Veazy, empowered to collect the taxes remaining due in Cæcil county. *Ibid.* ch. 34.

An act to ſtreighten and amend the ſeveral public roads therein mentioned. 1790, ch. 32.

—— Other acts reſpecting the roads therein. 1794, ch. 52, 1795, ch. 43, 1796, ch. 60.

The record books and papers to be tranſcribed. 1790, ch. 48.

Money directed to be raiſed to complete the public buildings. 1791, ch. 3.

A patent directed to iſſue to the truſtees of the charity lot in Eaſt-Nottingham, for the ſaid lot, to be held in truſt for the ſupport of a charity ſchool for the uſe of the ſaid townſhip. 1793, ch. 37.

Regulations reſpecting the market in Elkton. *Ibid.* ch. 42.

—— Reſpecting the weighing of hay and cording of wood. 1794, ch. 19.

I N D E X.

CÆCIL COUNTY.

The clerk, ſheriff and regiſter of wills, obliged to hold their offices at the court-houſe, or within one quarter of a mile thereof. *Ibid.* ch. 25.

—— They or their deputies obliged to attend there every day, Sundays excepted. *Ibid.*

Money directed to be raiſed to complete the public buildings. *Ibid.* ch. 28.

Samuel Maffitt, late ſheriff and collector, empowered to collect balances due to him. 1795, ch. 20.

A town, named Cheſapeake, to be ſurveyed and laid out. *Ibid.* ch. 21.

The levy court authoriſed to levy money annually for the poor as therein limitted. 1796, ch. 5.

—— A levy made for their uſe confirmed. *Ibid.*

Cæcil, Kent, Queen-Anne's and Talbot counties, form the ſecond diſtrict for holding county courts. 1796, ch. 43, § 2.

Cæcil county court to be held the firſt Mondays in March and Auguſt. *Ibid.* § 3.

Harford, Cæcil and Kent counties, form the ſixth diſtrict for the election of repreſentatives in congreſs. 1791, ch. 62, § 2.

Cæcil and Kent counties form the ſeventh diſtrict for appointing electors to chooſe the preſident and vice-preſident. 1795, ch. 73, § 1.

Cæcil county to be laid off into four ſeparate diſtricts for holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiſſioners appointed to lay off the ſaid diſtricts, and to fix the place of holding elections in each. 1799, ch. 50, § 20.

An act for the deſtruction of crows in Cæcil county. 1797, ch. 22, § 3.

The levy court to aſſeſs and levy money due to the commiſſioners for erecting the public buildings therein. *Ibid.* ch. 49.

The levy court empowered to divide the county into diſtricts for the collection of the county tax, to appoint collectors, &c. *Ibid.* ch. 59.

—— Empowered to raiſe money annually for the ſupport of John Maloy. 1799, ch. 45.

CALVERT COUNTY.

The court-houſe directed to be removed from Battle creek to a place called Williams's Old Fields. 1725, ch. 11.

—— The place to be called Prince-Frederick-town. 1728, ch. 17.

Commiſſioners appointed to fix and aſcertain the diviſional line between Anne-Arundel and Calvert counties. October, 1777, ch. 7.

Lower-Marlborough academy eſtabliſhed therein, and the free-ſchool lands directed to be ſold. October, 1778, ch. 16.

Calvert county to have ſeven truſtees for the management of Charlotte-Hall ſchool. 1798, ch. 92, § 2.

—— The truſtees named. *Ibid.*

—— Manner of ſupplying vacancies. *Ibid.* § 3.

Acts for the relief of the poor therein. 1790, ch. 26, 1795, ch. 12, 1796, ch. 62.

The proceedings of the court revived and aided, and directions for taking the ſheriff's bond therein. 1795, ch. 35.

The veſtry of Chriſt Church pariſh enabled to diſpoſe of certain lands therein mentioned. 1796, ch. 14.

Saint-Mary's, Calvert, Prince-George's and Charles counties, form the firſt diſtrict for holding county courts. *Ibid.* ch. 43, § 2.

—— Calvert county court to be held the fourth Mondays in April and September. *Ibid.* § 3.

Saint-Mary's, Charles and Calvert counties, form the firſt diſtrict for the election of repreſentatives in congreſs. 1791, ch. 62, § 1, 2.

CALVERT COUNTY.

Saint-Mary's, Charles and Calvert counties, form the ſ
trict for appointing electors to chooſe the preſident and v
ſident. 1795, ch. 73, § 1.

Calvert county to be laid off into three ſeparate diſtr
holding elections. 1798, ch. 115, confirmed by 1799,

—— Commiſſioners appointed to lay off the ſaid diſtri
to fix the place of holding the elections in each. 1799,
§ 20.

The average value of lands eſtabliſhed in Calvert co
24/9 per acre. 1785, ch. 53, § 2.

The regiſter of wills empowered to record the wills, i
ries, &c. which had been in the cuſtody of the former
1797, ch. 81, § 2.

—— Empowered, under the direction of the court, t
certificates of the probat of wills, &c. where the former
had made ſhort entries, to be as available as if made
former regiſter in his life-time. *Ibid.* § 3.

—— The regiſter to be allowed the legal fees, and
them out againſt the perſons chargeable. *Ibid.* § 4.

The proceedings of the orphans court revived and aided.
ch. 9.

Swine prevented from going at large in Lower-Marlb
in Calvert county. *Ibid.* ch. 42.

CAMBRIDGE.

Regulations reſpecting the town of Cambridge, in Do
county, and the eſtabliſhment of a market therein.
ch. 66.

—— Reſpecting ſwine and geeſe therein. 1794, ch

CANAL.

A company incorporated for cutting a canal to tide
the river Suſquehanna. November, 1783, ch. 23.

—— Regulations reſpecting the ſaid company. 1784
1790, ch. 36, 1795, ch. 63, 1797, ch. 99, 1799,
§ 4.

See SUSQUEHANNA.

Canals to be cut by the Patowmack company. 1784

See PATOWMACK.

—— By the Pocomoke company. 1796, ch. 17.

See POCOMOKE.

Proviſion made for opening a canal from the baſon
more-town to the Ferry branch of Patapſco river. 1784
1796, ch. 45.

A company incorporated for the purpoſe of cutting an
a canal between the river Delaware and the Cheſape
1799, ch. 16.

CANDIDATES.

The two candidates for the office of ſheriff, properly
having the majority of legal ballots, to be declared and
duly elected. Conſt. 42, 1799, ch. 50, § 15.

Penalty on candidates uſing force and violence at an
1799, ch. 50, § 17.

—— On their giving or offering any gift or reward
any perſon's vote. *Ibid.* § 18.

The names of both candidates for the office of ſheriff
inſerted on one piece of paper by any voter offering to
two, and if, on examination, more names are written
or ſeveral tickets are deceitfully rolled up together,
ticket ſhall be thrown away, and not counted. *Ibid.*

CANNON.

The cannon belonging to the ſtate to be put in ſom
place to be preſerved, and kept in order fit for ſervice
ch. 88, § 9.

I N D E X.

CAPIAS AD SATISFACIENDUM.

a defendant being arreſted on a writ of *capias ad ſatisfa-* from the general or any county court, if the plaintiff, the conſent of the defendant, elects not to call the ſaid ex- during the term to which it is returnable, ſuch plaintiff proceed againſt the ſaid defendant, his heirs, &c. by a new tion, or ſuch proceſs as the caſe may require, for the mo- tobacco remaining unpaid, as if ſuch defendant had not before arreſted. 1789, ch. 42.

attorney-general or his deputies to order writs of *capias isfaciendum* on the application of the ſheriffs for the reco- fines, &c. and the coſts thereon. 1795, ch. 74, § 2.

CAPIAS AD RESPONDENDUM.

rit of *capias ad respondendum* ſhall be iſſued againſt the ant, with an attachment under a warrant, from a judge or 1795, ch. 56, § 3.

May be iſſued againſt the garniſhee, on the plaintiff oath that he believes he has property of the defendant's poſſeſſion, or is indebted to him, and that he believes he to remove. *Ibid.* § 6.

CARRIAGES.

g carriages not to be valued or chargeable with the pub- ment. 1797, ch. 89, § 1.

CAROLINE COUNTY.

of Dorcheſter and Queen-Anne's counties erected into a unty, by the name of Caroline county. November, h. 10.

lations reſpecting the recording of deeds, collecting the harges, holding courts, &c. *Ibid.*

y directed to be levied for building the court-houſe and 1785, ch. 31.

rection of the public buildings ſuſpended. 1786, ch. 31.

t for the relief of the poor. November, 1788, ch. 14.

ions for the draining of a marſh and branch, known by e of The Long Marſh, lying in Queen-Anne's and Ca- unties. 1789, ch. 15, 1790, ch. 24.

t to facilitate the draining of land therein. 1790, ch. 3.

directed to be procured at Pig Point for the erection of houſe and gaol, the land to be bounded, the plot record- to be called Denton. *Ibid.* ch. 11.

village of Greenſborough erected, and ſwine and geeſe from going at large therein. 1791, ch. 8, § 1.

y levied for building a gaol at Denton, &c. *Ibid.* ch. 2, November, 1792, ch. 32.

ld road, which was the diviſion of Dorcheſter and Ca- unties, directed to be changed. November, 1792,

d and cauſeway directed to be made through the marſh the court-houſe. *Ibid.* ch. 32.

lerk, ſheriff and regiſter of wills, obliged to hold their the court-houſe, or within one quarter of a mile, and in perſon or by deputy, at Denton every day, except 1794, ch. 25.

ge to be built over Tuckahoe creek. *Ibid.* ch. 48.

ſſioners appointed by a ſupplement to the act for the of the ſeat of juſtice from Melville's warehouſe to Pig *Ibid.* ch. 50.

ſſioners appointed to build a bridge over Great Chop- to be kept up as a public bridge. 1795, ch. 30.

ſſioners appointed for laying out the land therein men- to lots, ſtreets, &c. to be called Denton. 1796, 1, 2.

Directions for filling vacancies. *Ibid.* § 1.

plot to be returned and recorded. *Ibid.* § 3.

CAROLINE COUNTY.

—— The public ſquare to be laid out anew. *Ibid.* § 4.

—— Regulations reſpecting ſwine and geeſe. *Ibid.* § 5.

—— A priſon to be built. *Ibid.* § 6.

—— An account of expenditures to be rendered. *Ibid.* § 7.

Caroline, Dorcheſter, Somerſet and Worceſter counties, form the fourth diſtrict for holding county courts. 1796, ch. 43, § 2.

—— Caroline county court to be held the firſt Monday in March, and the ſecond Monday in October. *Ibid.* § 3, 1797, ch. 19.

Queen-Anne's, Caroline and Talbot counties, form the ſeventh diſtrict for the election of repreſentatives in congreſs. 1791, ch. 62, § 2.

Caroline and Dorcheſter counties form the ninth diſtrict for appointing electors to chooſe the preſident and vice-preſident. 1795, ch. 73, § 1.

Caroline county to be laid off into three ſeparate diſtricts for holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiſſioners appointed to lay off the ſaid diſtricts, and to fix the place of holding the elections in each. 1799, ch. 50, § 20.

The average value of lands eſtabliſhed in Caroline county at 15*s*9 per acre. 1785, ch. 53, § 2.

An act relating to the public roads in Caroline county. 1798, ch. 16.

Hillſborough ſchool eſtabliſhed, and truſtees incorporated. *Ibid.* ch. 33.

CASE STATED.

On a caſe ſtated, the courts ſhall not continue any cauſe on a *curia advisare vult* longer than to the end of the third court after it is ſtated. November, 1787, ch. 9, § 9.

CAUTION MONEY.

See LAND.

CAVEATS.

Caveats againſt a will or codicil reſpecting perſonal property, to be decided by the orphans courts. 1798, No. 101, ch. 2, § 9.

For caveats againſt iſſuing patents, ſee LAND.

CENTRE-VILLE.

Money to be raiſed for completing the court-houſe and gaol. 1791, ch. 38.

Commiſſioners appointed to lay out lots in Queen-Anne's county, to be erected into a town, to be called Centre-Ville. 1794, ch. 23.

—— Directions for filling vacancies, and regulations reſpecting the town, market, &c. 1796, ch. 18.

CERTIFICATES.

Puniſhment for forging any of the certificates of the continental loan-office. February, 1777, ch. 20, § 10.

Form of certificates to be iſſued for payment of the journal of accounts then due. March, 1778, ch. 16.

—— Puniſhment for forging or counterfeiting them. *Ibid.* ch. 17.

The poſſeſſors of bills of exchange, drawn under the act of 1766, ch. 26, entitled to receive bills of exchange as therein mentioned, or certificates, payable with intereſt. November, 1779, ch. 38, § 5.

—— The intereſt of ſuch certificates to be annually paid, and the certificates diſcounted out of any public aſſeſſment. *Ibid.* § 8.

—— Puniſhment for forging ſuch certificates. *Ibid.*

—— The form of them preſcribed. *Ibid.* § 9.

Certificates to be given to the officers and ſoldiers for the balances found due to them on account of the depreciation of their

their pay, bearing intereſt, and to be paid out of the confiſcated property appropriated thereto. October, 1780, ch. 38, § 3.

—— The intereſt to accrue from the firſt of Auguſt, 1780. May, 1781, ch. 35, § 3.

—— The commencement of the intereſt to be expreſſed in the certificate. *Ibid.*

—— Such certificates made aſſignable without any reſtraint. November, 1782, ch. 33, § 9.

—— Such certificates to be given to the widows and children of officers who died in the ſervice. October, 1780, ch. 38, § 5.

—— A power reſerved to the ſtate to call in all ſuch certificates, and pay them off in ſpecie, or other current money equivalent. *Ibid.* § 7.

—— Certain confiſcated property pledged to ſecure the payment of the ſums due on the ſaid certificates. *Ibid.* § 11.

Perſons enliſting under the terms then propoſed, to be entitled to certificates for the depreciation of their pay, as directed by the act of October, 1780, ch. 38. *Ibid.* ch. 44.

Debts due from the ſtate to be adjuſted, and certificates, payable in ſpecie, to be given for the balances due. May, 1781, ch. 17, § 2.

Manner of adjuſting claims under the act of March, 1778, ch. 16. *Ibid.* § 5.

Directions reſpecting certificates offered in payment for confiſcated property, ſold under the act of October, 1780, ch. 38. *Ibid.* ch. 20.

—— To the commiſſioners in adjuſting the accounts of the troops. *Ibid.* ch. 35, § 2, 6, 8.

Certain deſcriptions of officers and men entitled to the benefit of the act of October, 1780, ch. 38. November, 1781, ch. 26, April, 1782, ch. 33, April, 1783, ch. 28.

Lands directed to be ſold for payment of the certificates granted to the officers and ſoldiers. November, 1781, ch. 31, § 1, 2, 4.

—— Certificates to be received in payment. *Ibid.* § 3.

—— Terms of ſale and payment. *Ibid.* § 4, 5.

—— The treaſurer directed to keep a particular account of the certificates and money received, and the money to be ſet apart for payment of the certificates or bonds taken, to be aſſigned. *Ibid.* § 8.

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The chancellor to take an oath, (or affirmation,) that he will not, directly or indirectly, receive any fee or reward for doing his office but what is or ſhall be allowed by law, nor will directly or indirectly receive the profits, or any part of the profits, of any office held by any other perſon, and that he does not hold the ſaid office in truſt or for the benefit of any other perſon. Conſt. 52, 1794, ch. 49, confirmed by 1795, ch. 11.

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The chancellor may in all caſes make and execute any order or decree in purſuance of the power and authority hereby conferred. *Ibid.* ch. 72, § 34.

—— But nothing herein ſhall deprive any perſon of the liberty of appeal. *Ibid.*

Manner of decreeing a conveyance, where a perſon having contracted in writing for the ſale of any real eſtate ſhall die ſeized thereof inteſtate, and without heirs of the whole or half blood. *Ibid.* ch. 78, § 1.

Power of the chancery court reſpecting the diviſion or ſale of eſtates under the act to direct deſcents. 1786, ch. 45, § 8, 1797, ch. 114, § 6, 1799, ch. 49.

Manner of veſting the legal title and eſtate, where a perſon having contracted for the ſale of lands, &c. and not having conveyed them, dies without leaving an heir known of and capable of inheriting his real eſtate. November, 1792, ch. 41, § 4, 5.

Directions for the ſerving of proceſs on the attorney-general, where a bill is filed againſt the ſtate. 1786, ch. 53, § 3.

—— Reſpecting injunctions prayed againſt the ſtate. *Ibid.*

Nothing in the acts giving an equity juriſdiction to the county courts to limit or abridge the juriſdiction of the court of chancery. 1763, ch. 23, § 6, 1791, ch. 78, § 3, November, 1792, ch. 63, § 4.

—— An appeal given from ſuch courts to the chancery court, where the matter in diſpute exceeds £. 30 0 0, or 3000 lbs. of tobacco, and the deciſion of the chancery court to be final. 1791, ch. 78, § 4, November, 1792, ch. 63, § 5.

When an injunction is obtained by executors or adminiſtrators, on filing bonds as therein preſcribed, the chancellor may decree againſt them as equity and good conſcience require. 1793, ch. 75, § 3.

Proceedings againſt ſheriffs or coroners failing to make returns of executions. 1794, ch. 54, § 1, 4.

On patents iſſuing for lands eſcheated, the creditors empowered to file their bill againſt the ſtate, and the proceedings therein directed. *Ibid.* ch. 60, § 6.

The chancellor may order and decree partition to be made in caſe any infant, idiot, &c. hath or ſhall have a joint intereſt, or intereſt in common with any other perſon, in lands, &c. *Ibid.* § 8.

The chancellor may decree a ſale of the equitable intereſt of perſons againſt whom there are judgments or decrees. *Ibid.* § 10.

Perſons having judgments againſt the Maryland inſurance company empowered, where property cannot be found, to file in the court of chancery a bill of diſcovery and relief againſt the directors, and the proportionate parts ſhall be aſcertained by the chancellor. 1795, ch. 60, § 13.

Cauſes ſet down for hearing, or ſubmitted, where there is a ſolicitor in court, ſhall not abate by the death of a party. 1797, ch. 114, § 4.

The chancellor may, on the application of either party in actions in the general court, or on bills in the chancery court, require and decree that the parties ſhall produce either the original books, &c. or certified copies, on being ſatisfied by oath, &c. that the ſaid books or papers contain evidence pertinent to the iſſue, and that the party cannot ſafely go to trial without them. 1798, ch. 84.

Mode of determining in the chancery court as to the lunacy of perſons entitled to be executors or adminiſtrators. 1798, No. 101, ch. 4, § 5.

Executors or adminiſtrators may be compelled as anſwer whether they have aſſets to anſwer all juſt claim ch. 8, § 7.

The court of chancery, or the orphans court, may give directions in caſes where, under a will, it ſhall be for an executor or adminiſtrator to retain aſſets in his the payment of money at a diſtant period. *Ibid.* ch.

No part of the real eſtate of a ward ſhall be dimi account of his maintenance or education, without the tion of the chancery or general court, as well as of the court. *Ibid.* ch. 12, § 10.

Legacies to be recovered by ſuit on the adminiſtrati tamentary bond, or by action on the caſe, or in cha uſual. *Ibid.* ch. 14, § 6.

An appeal given to the chancery or general court fro judication of the orphans court, on the probat of a wi ch. 2, § 11.

An appeal given from any judgment, decree, deciſion of the orphans court, to the general or chancery cour ch. 15, § 18.

—— Manner of deciding on ſuch appeals. *Ibid.*

Executors and adminiſtrators bound to diſcover wha have paſſed againſt the deceaſed in the chancery cour ch. 8, § 17.

Nothing in this act to affect the general ſuperintendi exerciſed by the court of chancery with reſpect to truſ ch. 12, § 16.

A power given to bring ſuits in equity againſt th therein mentioned. 1799, ch. 79, § 7, 8.

Proviſion made for compelling an anſwer from defen pearing agreeably to an order limitting a day therefo proceeding without ſuch anſwer. *Ibid.* § 9.

Directions reſpecting property taken in execution, an injunction has iſſued. *Ibid.* § 10.

Where a perpetual injunction is decreed againſt the chancellor may order the treaſurer to deliver up the bon § 11.

The ſtate's agent empowered, with the approbatio governor and council, to compromiſe ſuits in chancery ſtate debtors. *Ibid.* ch. 80, § 9.

Caſes of the ſtate in chancery placed under the di the agent, who is to call on the attorney-general to br to a deciſion. *Ibid.* § 11.

CHARLES COUNTY.

The bounds of Charles county eſtabliſhed. 1695, c

A court-houſe and priſon to be erected on the e Port-Tobacco creek, at a place called Chandler's-town ch. 11.

—— A town to be laid out thereon, to be called town. 1729, ch. 6.

Benedict-Leonard-town to be laid out anew. 1732,

—— Further regulations reſpecting the ſame. 173

Part of Prince-George's county taken off and added t county. 1748, ch. 14.

Commiſſioners appointed to have a new plot of Cha made out, to ſummon witneſſes, &c. and to have the corded, which was to be taken as the true one. N 1779, ch. 23, March, 1780, ch. 20, 1789, ch. 18.

The free-ſchools of Saint-Mary's, Charles and Prince- counties, united into one ſchool, to be called Charlotte- lands belonging to the former ſchools directed to 1774, ch. 14.

Proviſion made for the erection and regulation of houſe in Charles-town, and for reſtraining hogs, goats therein. 1794, ch. 41.

CHARLES COUNTY.

levy court empowered to raiſe money, to be p[illegible] to the rators of Peter Dent, for tobacco taken out of the ware- 1796, ch. 10.

To raiſe money annually for the ſupport of John Lind- id. ch. 25.

Mary's, Calvert, Prince-George's and Charles counties, e firſt diſtrict for holding county courts. 1796, ch. 43,

Charles county court to be held the third Monday in nd Auguſt. *Ibid.* § 3.

Mary's, Charles and Calvert counties, form the firſt diſ- r the election of repreſentatives in congreſs. 1791, § 1, 2.

Mary's, Charles and Calvert counties, form the firſt diſ- appointing electors to chooſe the preſident and vice-pre- 1795, ch. 73, § 1.

s county to be laid off into four ſeparate diſtricts for elections. 1798, ch. 115, confirmed by 1799, ch. 48.

Commiſſioners appointed to lay off the ſaid diſtricts, and e place of holding the elections in each. 1799, ch. 50,

verage value of land eſtabliſhed in Charles county at acre. 1785, ch. 53, § 2.

levy court empowered to raiſe money annually for the f John Monro. 1799, ch. 7.

CHARLES-TOWN.

s-town, in Cæcil county, erected at a place called Long 1742, ch. 23.

Regulations reſpecting the ſame. 1744, ch. 22.

Further regulations. 1750, ch. 12.

Parts of the above acts repealed. 1786, ch. 32, § 2.

The then commiſſioners, and their ſucceſſors, incorpo- the name of "The Commiſſioners of Charles-town." .

Their powers defined. *Ibid.* § 3, 6, 7, 8, 10.

Mode of electing commiſſioners and filling vacancies. , 5.

t of juſtice removed from Charles-town to the Head of id. ch. 20.

CHARLOTTE-HALL.

ool to be erected for Saint-Mary's, Charles and Prince- counties, at the Cool Springs, in Saint-Mary's county, ed Charlotte-Hall. 1774, ch. 14.

Regulations reſpecting the ſame. October, 1777, ch. 3, , 1783, ch. 19.

Calvert county entitled to have ſeven truſtees for the ent of the ſaid ſchool. 1798, ch. 92.

An annual donation of eight hundred dollars made by *Ibid.* ch. 107.

CHARTER.

habitants of Maryland entitled to all property derived om or under the charter granted by Charles the firſt to more. Decl. 3.

y of Annapolis ought to have all its rights, privileges hts, agreeable to its charter, and the acts of aſſembly and regulating the ſame, ſubject to ſuch alterations be made by that convention or the legiſlature of the d. 37.

arter granted to erect Annapolis into a city and corpo- rmed under certain reſtrictions. 1708, ch. 7.

qualified by the charter of the city of Annapolis to rgeſſes empowered to vote for delegates to the gene- therein. Conſt. 4.

CHESAPEAKE.

Manner of trying perſons giving a mortal ſtroke on the waters of the Cheſapeake bay. 1789, ch. 22, § 3.

See HOMICIDE.

Commiſſioners appointed to ſurvey and lay out in lots, &c. the land laid out by George Gale, near the mouth of Suſquehanna, for a town, to be called Cheſapeake. 1795, ch. 21.

Subſcriptions to be opened for cutting a canal between the river Delaware and the Cheſapeake bay. 1799, ch. 16, § 1, 2.

—— The ſubſcribers to be incorporated, by the name of "The Cheſapeake and Delaware Canal Company," and empowered to ſue and be ſued, &c. *Ibid.* § 3.

—— Directions for chooſing a preſident and nine directors. *Ibid.*

—— Power of the preſident and directors to contract for cutting the canal. *Ibid.* § 4.

—— To draw money, and direct the proportions to be advanced, &c. *Ibid.* § 5.

—— Mode of enforcing payment of the ſubſcriptions. *Ibid.*

—— Mode of perpetuating the ſucceſſion of the preſident and directors. *Ibid.* § 6.

An oath to be taken for the due execution of their office. *Ibid.* § 7.

—— Directions for general meetings, and having accounts of the proceedings reported. *Ibid.* § 8.

—— For making dividends of the profit. *Ibid.*

—— When they exceed 30 *per cent.* the ſurplus to be divided between the ſtate of Maryland and Delaware. *Ibid.*

—— The canal veſted in the corporation under the ſaid limitations. *Ibid.* § 9.

—— The preſident and directors empowered, after the canal ſhall be made navigable, to demand and receive the tolls therein preſcribed. *Ibid.*

—— Mode of enforcing the payment. *Ibid.* § 10.

—— The corporation empowered to leſſen the tolls. *Ibid.*

—— The ſame rate of tolls to be paid from or to the Cheſapeake. *Ibid.*

—— The canal to be a public highway on payment of the tolls. *Ibid.* § 11.

—— Neither of the ſtates to impoſe any toll or tax for the uſe of the waters of the ſaid canal and the works erected thereon. *Ibid.*

—— Proviſion made for procuring or condemning land, &c. for the canal or buildings. *Ibid.* § 12, 13.

—— Mode of transferring ſhares. *Ibid.* § 14.

—— Proviſion for increaſing the capital. *Ibid.* § 15.

—— Omiſſion or neglect to perform any acts on the day preſcribed ſhall not deſtroy the charter. *Ibid.* § 16.

—— When the canal ſhall croſs any public road, the company ſhall make and keep up bridges over ſuch parts. *Ibid.* § 17.

—— This law to be of no force and effect until a law be paſſed by the ſtate of Delaware, authoriſing the cutting the canal aforeſaid, and until a law ſhall be paſſed by the legiſlature of Pennſylvania, declaring the river Suſquehanna to be a highway, and authoriſing individuals or bodies corporate to remove obſtructions therein at a period not exceeding three years from the firſt day of March, eighteen hundred. *Ibid.* § 18.

CHESTER-TOWN.

Regulations reſpecting the market therein, and for the cording of wood and weighing of hay. 1784, ch. 2, 1789, ch. 19, November, 1792, ch. 40, 1793, ch. 22, 1796, ch. 50.

—— Commiſſioners appointed for building a market therein. 1798, ch. 41.

—— A ſupplement, *Ibid.* ch. 91.

I N D E X.

CHESTER-TOWN.

Commiſſioners appointed for erecting a new gaol therein. November, 1792, ch. 39.

—— Money to be levied therefor, and the old gaol to be ſold. *Ibid.*

The juſtices of Kent county court to meet in March yearly, and appoint an inſpector of flour within the town and port of Cheſter. 1797, ch. 7, § 2, 3.

—— The proviſions of the act of November, 1781, ch. 12, extended to Cheſter. *Ibid.* § 5.

—— The ſaid juſtices to appoint in the ſame manner an inſpector of ſalted proviſions. *Ibid.* § 6, 7, 8.

—— The proviſions of the act of 1786, ch. 17, extended to Cheſter. *Ibid.* § 9.

CHIEF JUSTICE.

The governor and council to appoint and commiſſion, for each diſtrict in the ſtate, one perſon of integrity and experience, and ſound legal knowledge, who ſhall reſide in ſuch diſtrict, and be ſtyled Chief Juſtice of the county court therein. 1790, ch. 33, § 4, 1796, ch. 43, § 4.

—— To hold his commiſſion during good behaviour, removeable only as the chancellor and judges are by the conſtitution. *Ibid.*

The county courts to be compoſed of the chief juſtice of the diſtrict and the two aſſociates in the counties reſpectively. 1796, ch. 43, § 5.

The chief juſtice alone may execute the duties of the court. *Ibid.*

—— May take the acknowledgment of deeds of land within his diſtrict. *Ibid.* § 6.

—— Shall not, after qualification, act as an attorney or ſolicitor in any court of law or equity while he acts as a juſtice. *Ibid.* § 8.

Writs from the county court ſhall be *tested* by the chief juſtice. *Ibid.* § 9.

Every chief juſtice to take the oaths of fidelity and ſupport to this ſtate, as required by the conſtitution and laws thereof, if he has not before taken them, and the oath of juſtice, as required by the act of February, 1777, ch. 5. *Ibid.* § 17.

The governor and council to fill any vacancy occaſioned by refuſal, reſignation, &c. *Ibid.* § 18.

Every chief juſtice ſhall have, within his diſtrict, all the powers and juriſdiction of a juſtice of the peace, except only as to the hearing and determining in the caſe of ſmall debts out of the court. *Ibid.* § 19.

The chief juſtice, may, out of court, direct the clerk to enter judgments by confeſſion, or *non sum informatus*. *Ibid.* § 20.

Compenſation to the chief juſtices. *Ibid.* § 21, 1797, ch. 69, § 2.

The chief juſtice may, within the county where he reſides, grant licences for keeping ordinaries, to be in force till the end of the court next after, for which the perſon ſhall pay in proportion, and enter into recognizance, as directed by the act of March, 1780, ch. 24. 1791, ch. 58, § 2, 3.

—— May, in the ſame manner, grant licences to retailers of ſpirituous liquors, to be in force till the end of the next court after, to be paid for in proportion, and recognizances taken and returned, and the licence money paid to the clerk. April, 1792, ch. 7.

—— But no licence ſhall be granted to any perſon who has been refuſed by the county court. *Ibid.* § 5.

The chief juſtice of any diſtrict authoriſed, in the receſs of the court, upon application, to iſſue writs of *habeas corpus* to bring before him perſons in confinement, and to inquire into the cauſe, and to diſcharge, admit to bail, or confine ſuch perſons. 1798, ch. 106.

CHILDREN.

No relations, except a widow, child, grand-child, brother, ſiſter or mother, ſhall be conſidered entitled miniſtration, unleſs they apply therefor. 1798, N ch. 5, § 7.

If the inteſtate leaves a widow and a child or child miniſtration, at the diſcretion of the court, ſhall be either to the widow or child, or one of the children. *Ibi*

—— Males ſhall be preferred to females in equal d kin. *Ibid.* § 15.

If there be children of an inteſtate, and no other deſ the ſurplus of the eſtate, (excluſive of the widow's ſhare whole ſurplus if there be no widow,) ſhall be divided amongſt them. *Ibid.* ch. 11, § 4, 5.

—— If there be a child or children, and a child or of a deceaſed child, the child or children of ſuch deceaſ ſhall take ſuch ſhare as the deceaſed parent would, (if al entitled to, and every other deſcendant in exiſtence, at t of the inteſtate, ſhall ſtand in the place of the deceaſed *Ibid.* § 6.

—— Provided, that if any child or deſcendant ſhall h advanced by the inteſtate, by ſettlement or portion, t ſhall be reckoned in the ſurplus, and if it be equal or ſu a ſhare, ſuch child or deſcendant ſhall be excluded, widow ſhall have no advantage by bringing ſuch adva into reckoning; and maintenance or education, or mon without a view to a portion or ſettlement in life, ſhall deemed advancement; and in all caſes thoſe in equal claiming in the place of an anceſtor, ſhall take equa *Ibid.*

—— The child or children of a brother or ſiſter of t tate, ſhall ſtand in the place of ſuch brother or ſiſte § 9.

—— Poſthumous children of inteſtates ſhall take in manner as if they had been born before the deceaſe of t tate. *Ibid.* § 14.

CHOSES IN ACTION.

The choſes in action of a married woman, dying ſhall devolve on her huſband without his adminiſtering. No. 101, ch. 5, § 8.

—— If not reduced into poſſeſſion, or judgment obt them in his life-time, they ſhall devolve on her repreſe and adminiſtration may be granted accordingly. *Ibid.*

—— Mode of ſuing by the huſband therefor. *Ibid.*

CHURCH.

No perſon ought to be compelled to frequent or mai contribute, unleſs on contract, to maintain, any particu of worſhip, or any particular miniſtry; yet the legiſlat in their diſcretion, lay a general and equal tax for the ſ the Chriſtian religion, leaving to each individual the appointing the payment over of the money collected to the ſupport of any particular place of worſhip or mi for the benefit of the poor of his own denomination, or in general of any particular county. Decl. 33.

—— But the churches, chapels, glebes, and all o perty then belonging to the church of England, ought to the church of England for ever. *Ibid.*

—— Directions as to former acts for building churc

—— The county courts not to aſſeſs thereafter an or money on the application of any veſtryman or churc *Ibid.*

—— A temporary proviſion made for incumbents remained in their pariſhes, &c. *Ibid.*

Land, not exceeding two acres for a church, meeting houſe of worſhip, excepted from the prohibition of any

CHURCH.

of land to a miniſter, or any religious ſect, as ſuch.

ſales of all lands formerly given to churches and chapels notwithſtanding the want of deeds, and of enrolling them. 1704, ch. 38, § 1, 2.

Directions as to teſtimony reſpecting ſuch lands. *Ibid.*

Directions to the veſtry where the quantity was uncer- *Ibid.* § 4.

Proviſion made for condemning lands for the building of *Ibid.* § 5.

s of lands to the uſe of any church, or maintenance of eſtant clergy, &c. without mentioning the particular or perſons, made effectual, where the ſenſe could be 1722, ch. 4, § 2.

Where the intent was at large, ſuch lands to go to the incumbent as glebes were held, provided ſuch will was the preſence of three or more credible witneſſes, and ed. *Ibid.* § 3, 4.

Not to affect lands before or then diſputed at law. d.

e to be fixed at the pariſh church where the land lies, iſſioners for perpetuating boundaries, three Sundays be- meeting. 1723, ch. 8, § 4.

If a perſon, known to be intereſted, lives out of the notice to be fixed at the church door of the pariſh where forty days before their meeting. *Ibid.*

On petitions for a commiſſion to mark and bound lands, ths notice to be given by advertiſement ſet up at the the churches, and other houſes for public worſhip, if the hundred where the land lies, of the party's intention 1786, ch. 33, § 2.

t for building a new church in the city of Annapolis. h. 11.

mentary acts thereto. 1785, ch. 44, May, 1788, 1790, ch. 47, November, 1792, ch. 4, ch. 57.

pariſh church or chapel belonging to the church of and every meeting-houſe, Romiſh chapel, or other public worſhip, belonging to and uſed by any ſect of e, ſhall be recorded in the county records. February, 12, § 7.

None ſhall be eſteemed as ſuch, for the publication of s, unleſs ſo recorded. *Ibid.*

n clergymen incorporated, by the name of "The Corpo- r the Relief of the Widows and Children of the Pro- piſcopal Church in Maryland." 1784, ch. 78, § 2.

To have perpetual ſucceſſion, and to hold property, the mual amount of which ſhall not be more than 15,000 *Ibid.*

Times of meeting preſcribed. *Ibid.* § 3.

Enabled to ſue and be ſued, &c. *Ibid.* § 4.

given to the ſociety of people called Quakers to hold therein mentioned in Cæcil county. 1791, ch. 17.

Leave given to convey to ſuch perſons as the ſaid ſhould direct, a parcel of land therein mentioned in e county. November, 1792, ch. 12.

n eſtates and property ſecured for the ſupport and uſes iniſters of the Roman Catholic religion. *Ibid.* ch. 55.

ruſtees of the ſociety of quakers empowered to hold a round in Baltimore, containing near four acres, for a houſe. 1793, ch. 20.

veſtry of Saint-Paul's pariſh, in Baltimore county, ena- purchaſe three acres of ground for the erection of &c. 1794, ch. 44.

The Roman Catholic congregation in Baltimore incor- 1795, ch. 15.

CHURCH.

The German reformed congregation in Baltimore incorporated, and empowered to hold real and perſonal property, the clear yearly value of which ſhall not exceed £. 1200. *Ibid.* ch. 16.

The miniſters and other perſons of the German Evangelical reformed church in Baltimore incorporated, and empowered to hold real and perſonal property not exceeding 6000 dollars. 1797, ch. 52.

The then committee of the Preſbyterian church in Baltimore, and their ſucceſſors, incorporated, and empowered to hold real and perſonal property not exceeding 6000 dollars. *Ibid.* ch. 58.

Houſes of public worſhip and burying-grounds not to be valued or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

The property of the proteſtant epiſcopal church in Maryland to be in the veſtries incorporated for that purpoſe. 1798, ch. 24, § 9.

The Baptiſt church in the city of Baltimore incorporated, and empowered to hold real and perſonal property not exceeding 6000 dollars. *Ibid.* ch. 30, § 10.

CHURCHWARDENS.

Directions for chooſing churchwardens by the veſtry. 1798, ch. 24, § 11, 14.

—— An oath to be taken by them. *Ibid.*

—— Their powers preſcribed. *Ibid.* § 12.

—— Penalty on their refuſal to ſerve. *Ibid.* § 26.

CITATION.

On the return of *non est* upon two citations, where an inventory is not returned, if the executor or adminiſtrator does not appear, the letters teſtamentary or of adminiſtration may be revoked. 1798, No. 101, ch. 6, § 13.

CITIZENS.

All foreigners who emigrated and ſettled in the ſtate before the 22d of July, 1779, and who have continued and remained inhabitants thereof, and their deſcendants, ſhall be deemed, and are declared to have been, and to be, citizens of this ſtate, &c. 1797, ch. 60.

Perſons, not citizens of the United States, ſhall not be executors or adminiſtrators. 1798, No. 101, ch. 4, § 1, ch. 5, § 1.

—— Mode of trying and determining allegations thereon. *Ibid.* ch. 4, § 2, 4.

CIVIL LIST.

Acts for the payment of the civil liſt, and other expences of government. 1797, ch. 106, 1798, ch. 21, 1799, ch. 30.

CIVIL OFFICERS.

The governor and council to appoint the chancellor and all judges and juſtices, the attorney-general, naval-officers, regiſters of the land-office, ſurveyors, and all other civil officers of government, (aſſeſſors, conſtables and overſeers of the road, only excepted.) Conſt. 48.

—— They may alſo ſuſpend or remove any officer who has not a commiſſion during good behaviour. *Ibid.*

All civil officers of the appointment of the governor and council, who do not hold commiſſions during good behaviour, ſhall be appointed annually in the third week in November, but if any of them ſhall be re-appointed, they may continue to act without any new commiſſion or qualification, and every officer, though not re-appointed, ſhall continue to act until the perſon who ſhall be appointed and commiſſioned in his ſtead, ſhall be qualified. *Ibid.* 49.

All civil officers hereafter to be appointed for the ſeveral counties of this ſtate, ſhall have been reſidents of the county reſpectively

CIVIL OFFICERS.

reſpectively for which they ſhall be appointed ſix months before their appointment, and ſhall continue reſidents of their county reſpectively during their continuance in office. *Ibid.* 46.

CIVIL POWER.

In all caſes, and at all times, the military ought to be under ſtrict ſubordination to, and control of, the civil power. Decl. 27.

CLERKS.

The judges of the general court, and the juſtices of the county courts, may appoint the clerks of their reſpective courts. Conſt. 47.

—— In caſe of refuſal, death, &c. during the vacation of the ſaid courts, the governor and council may appoint and commiſſion a perſon to hold the office till the next meeting of the court. *Ibid.*

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rks directed to iſſue executions to an eliſor when appointed dge or juſtice. *Ibid.* ch. 54, § 5.

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Clerks of the court of appeals, general court, or any county or levy court, when the courts do not meet at the time preſcribed, are empowered and required to adjourn their courts from day to day till the meeting of the judges or juſtices. 1795, ch. 55.

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—— No preference to be given to the principal, profeſſors, &c. on account of their religious profeſſion. *Ibid.*

—— Directions for opening and receiving ſubſcriptions. *Ibid.* § 2, 3, 4, 5.

—— For chooſing viſitors and governors, who were to be in- corporated, by the name of "The Viſitors and Governors of Saint-John's College in the State of Maryland," and to have ſucceſſion as therein provided. *Ibid.* § 3, 4.

—— For fixing on a place for erecting the ſaid college. *Ibid.* § 6, 1785, ch. 2, § 2, 3.

—— A donation made of land within the city of Annapolis, on condition of that being the place fixed on. 1784, ch. 37, § 7.

—— The corporation empowered to ſue and be ſued, to have ſeals, &c. *Ibid.* § 9, 10.

—— Empowered to take and hold lands, &c. *Ibid.* § 8.

—— The clear yearly value of ſuch lands, &c. not to exceed £. 9000. *Ibid.* § 12.

—— The viſitors and governors empowered to appoint a prin- cipal, vice-principal and profeſſors, with proper tutors and aſ- ſiſtants. *Ibid.* § 11.

I N D E X.

COLLEGE.

—— The ſaid principal, &c. ſhall be known and diſtinguiſhed as one learned body or faculty, by the name of "The Principal, Vice-Principal and Profeſſors, of Saint-John's College in the State of Maryland." *Ibid.*

—— They ſhall, (together with the ſtudents and neceſſary ſervants,) be exempted from all rates and taxes on their ſalaries, and from all military duties, except in the caſe of actual invaſion, when general military law is declared. *Ibid.*

—— Directions for meeting, forming regulations, ordinances, &c. *Ibid.* § 13, 14.

—— For holding public commencements, and admitting to degrees. *Ibid.* § 15.

—— Ordinances, &c. to be laid before the general aſſembly, when required. *Ibid.* § 16.

—— If unlawful, they ſhall not, (though void in themſelves,) avoid or forfeit the charter of incorporation. *Ibid.*

—— The charter declared good in law for the end thereof. *Ibid.* § 17.

—— The viſitors and governors, principals, &c. to take the oath of fidelity and ſupport to the ſtate. *Ibid.* § 18.

—— A donation of £. 1750 annually and for ever granted by the public to Saint-John's college, to be applied to the payment of ſalaries to the principal, &c. *Ibid.* § 19.

—— The tax on marriage licences on the weſtern ſhore made a fund to procure the ſaid donation, and proviſion made for its payment. *Ibid.* § 20.

—— The produce of every fine, penalty or forfeiture, on the ſaid ſhore, (except only for treaſon,) and of forfeited recognizances, made a fund therefor. *Ibid.* § 21.

—— The produce of ordinary licences made a fund, &c. and a part of the act for regulating ordinary-keepers, (March, 1780, ch. 24,) declared perpetual. *Ibid.* § 22.

—— Hawkers and pedlers defined, and prohibited from ſelling without licence. *Ibid.* § 23, 1799, ch. 46.

—— Proviſion for granting ſuch licences, penalty for offending, and mode of payment, as a fund for the college. 1784, ch. 37, § 23.

—— Penalty for retailing ſpirituous liquors without licence. *Ibid.* § 24.

—— Manner of granting ſuch licences, and applying the money as a fund for the college. *Ibid.* § 25, 30, 31, April, 1792, ch. 7.

—— The ſale of liquor at horſe-races prohibited without a licence. 1784, ch. 37, § 32.

—— Manner of granting ſuch licence, and applying the money as a fund for the college. *Ibid.*

—— The viſitors, &c. to lay before the general aſſembly, at its annual meeting, or oftener if required, an account of money received under this act, and the ſalaries paid; and after payment of the ſaid ſum of £. 1750, the balance ſhall remain in the treaſury, ſubject to the diſpoſal of the general aſſembly. *Ibid.* § 36.

Waſhington college and Saint-John's college declared to be one univerſity, by the name of "The Univerſity of Maryland." *Ibid.* § 33.

A majority of nine or more viſitors, &c. empowered to draw upon the treaſurer of the weſtern ſhore for the whole or part of the ſum annually granted towards erecting neceſſary buildings for the college, and purchaſing a library and philoſophical and mathematical apparatus, but no more than the donation of two years ſhall be applied to theſe purpoſes. 1785, ch. 5, § 2.

—— The ſaid viſitors, &c. ſhall direct, that five poor boys, of promiſing genius, ſhall always hereafter be properly cloathed, boarded and educated, at the college, out of the annual donation, ſuch boys to be taken from the different counties of this ſhore, ſo that each county ſhall equally participate in the advantages. *Ibid.* § 3.

COLLEGE.

Proviſion made for conſolidating the funds belonging William's ſchool, in the city of Annapolis, with the Saint-John's college. *Ibid.* ch. 39.

The truſtees of Cokeſbury college incorporated. 179

—— Empowered, (in conſequence of the deſtructio buildings by fire,) to ſell all the property, real and belonging to the ſaid college, and to apply the mon payment of debts againſt the ſaid college. 1798, ch. 6

COLUMBIA.

A ceſſion made of that part of the territory of lying within this ſtate, to the congreſs and governme United States, under certain proviſoes. 1791, ch. 45,

—— The laws of the ſtate not to ceaſe therein till ſhall provide for its government. *Ibid.*

—— Proviſions for ſubjecting the lands of minors, & in, to diviſion. *Ibid.* § 3.

—— For veſting in the commiſſioners, in truſt, the thoſe who did not execute deeds to the truſtees therei *Ibid.* § 4.

—— Regulations reſpecting the public and private therein. *Ibid.* § 5.

—— Foreigners enabled, (by deed or will thereaf made,) to take and hold lands therein as if they were to be conveyed or tranſmitted by them, or inherited heirs. *Ibid.* § 6.

The commiſſioners empowered to appoint a clerk for deeds of lands within the territory. *Ibid.* § 7.

—— His duty, fees, ſeal of office, &c. *Ibid.* 1793, ch

—— Acknowledgments of deeds to be made in manner, or before either of the commiſſioners, and thereafter for lands in this ſtate, within the ſaid terri no leaſe for more than ſeven years, to be effectual, knowledged as aforeſaid, and delivered to the ſaid cl recorded within ſix calendar months. 1791, ch. 45,

—— Deeds ſo enrolled to be as valid as if record the former manner. November, 1792, ch. 59.

—— The commiſſioners to direct all allotments a ments to proprietors to be entered by the ſaid cler ch. 45, § 9.

A lien given on property for the encouragement builders, undertaking, by contract as therein ſpecified, houſes in the city. *Ibid.* § 10.

Directions to the treaſurer as to the payment of agreed to be advanced to the preſident. *Ibid.* § 11.

The commiſſioners empowered to licence the b wharfs, to make regulations for the diſcharge of b landing and laying materials for the city, for diſpoſin dug out of the walls, cellars or foundations, for aſcert thickneſs of the walls of houſes, and to grant licenc tailing diſtilled ſpirits within the limits of the city.

Certificates by the commiſſioners, or any two of purchaſers of lots in the city of Waſhington, with ledgment of the payment of the whole purchaſe mone tereſt, if any ſhall have ariſen thereon, and recorded ſufficient to veſt the legal eſtate in the purchaſers, and aſſigns, according to the import of ſuch certificate any deed or formal conveyance. 1793, ch. 58, § 1.

The commiſſioners empowered to ſell at vendue ſold by them, for which payment may not be made as for. *Ibid.* § 2.

Directions reſpecting the allotment and aſſignmen *Ibid.* § 3.

A bank eſtabliſhed within the territory of Colum ch. 30.

—— A ſupplement to the act. 1795, ch. 77.

I N D E X.

COMMERCE.

nopolies are odious, contrary to the ſpirit of a free govern- and the principles of commerce, and ought not to be d. Decl. 39.

COMMISSION.

general, or any county court, on application, and on being by affidavit, or otherwiſe, that there are material and ent witneſſes in a cauſe reſiding or living out of the ſtate, der a commiſſion to take the depoſitions or affidavits of itneſſes. November, 1773, ch. 7, § 7.

Such commiſſion ſhall iſſue, the commiſſioners ſhall be ed, the interrogatories propoſed, and the commiſſion ex- and returned, in the ſame manner as from the chancery or examining witneſſes out of the ſtate. *Ibid.*

The depoſitions, &c. ſo taken, ſhall be admitted in evi- at the trial of the cauſe. *Ibid.*

Where ſuch commiſſions iſſue, the courts may continue ſe not exceeding four courts after the uſual time of nce, on reaſonable terms. November, 1787, ch. 9,

Where ſuch commiſſions iſſue to parts without the States, the cauſe may be continued, (for want of the hereof,) as long as the court, under all circumſtances, their diſcretion, think reaſonable. 1794, ch. 6.

ions for the iſſuing of commiſſions to perpetuate teſti- the chancery court. July, 1779, ch. 8, § 8.

parties, and their attornies or agents, ſhall have a right reſent at the execution of all commiſſions to be iſſued court of chancery. 1785, ch. 72, § 14.

Directions reſpecting the execution of ſuch commiſſions. 15.

Allowance to the commiſſioners. *Ibid.* 1795, ch. 88,

Allowance to witneſſes ſummoned thereon. 1785, § 16.

Manner of enforcing the payment. *Ibid.* § 18.

Commiſſion for taking depoſitions may iſſue, (with the of both parties,) to one perſon inſtead of four. 1795, § 4.

Commiſſion for any other purpoſe may iſſue, (with the ent and the approbation of the chancellor,) to one or to three, with power to any two. 1799, ch. 79,

iſſion to iſſue to perpetuate the boundaries of land. h. 8.

For marking and bounding lands. 1786, ch. 33.

OUNDARIES. BOUNDING LANDS.

iſſion to iſſue for dividing or valuing the real eſtates of ying inteſtate, where the parties cannot agree, or any minor. 1786, ch. 45, § 8, 9, 1797, ch. 114, § 6, h. 49.

ESCENTS.

iſſion allowed to ſheriffs on the collection of officers November, 1779, ch. 25, § 3.

iſſion to be allowed by the chancellor to guardians, &c. making diſpoſition or ſale of property under an decree. April, 1787, ch. 30, § 5.

iſſion allowed to collectors of the county charges. h. 53, § 1.

iſſion allowed to county clerks on the collection of taxes 1796, ch. 43, § 29.

iſſion allowed to the regiſter in chancery on the collec- taxes on ſeals, &c. November, 1792, ch. 76, § 5, h. 51, § 2.

iſſion to be allowed to executors or adminiſtrators. h. 101, ch. 10, § 2, ch. 14, § 5.

COMMISSION.

Commiſſion to be allowed to guardians. *Ibid.* ch. 12, § 13.

Commiſſion to be allowed to collectors appointed by the orphans court. *Ibid.* ch. 3, § 18.

Commiſſion to be allowed to perſons in whoſe hands property may be ſequeſtered by the orphans court. *Ibid.* ch. 15, § 15.

The ſtate's agent to return a particular account of his commiſſions. 1799, ch. 80, § 20.

—— Commiſſion allowed to the ſtate's agent. *Ibid.* § 22.

COMMISSIONERS.

See BOUNDARIES. BOUNDING LANDS. CHANCELLOR. COLUMBIA. DESCENTS. DRAINING LANDS. ELECTIONS. LAND. PATOWMACK COMPANY.

COMMISSIONERS OF THE TAX.

The then commiſſioners authoriſed to aſcertain the quantity of land in their reſpective counties, and to calculate the amount at the average value thereby eſtabliſhed. 1785, ch. 53, § 5.

Five commiſſioners appointed for each county and the city of Baltimore. 1797, ch. 89, § 2, 3.

—— No clergyman, practiſing attorney, phyſician, ſheriff, clerk, ordinary-keeper, mariner or inſpector, to be appointed. *Ibid.* § 2.

—— Commiſſioners of the tax ſhall not be appointed inſpectors. 1789, ch. 26, § 8.

Oath to be taken by the commiſſioners. 1797, ch. 89, § 4.

Manner of filling vacancies. *Ibid.* § 5.

The commiſſioners to appoint a clerk, to divide their counties into diſtricts, appoint aſſeſſors, &c. *Ibid.* § 6, 10.

Regulations reſpecting the commiſſioners in the city of Baltimore. *Ibid.* § 7, 9, 11.

Directions reſpecting the valuation of lands. *Ibid.* § 8.

—— Reſpecting the valuing and return of perſonal property by the aſſeſſors. *Ibid.* § 14, 15, 16.

Allowance to the commiſſioners and clerk. *Ibid.* § 19.

—— Allowance to the aſſeſſors by the commiſſioners. *Ibid.*

Directions for the commiſſioners to meet to hear complaints reſpecting the aſſeſſment. *Ibid.* § 21.

—— Their power to alter and correct accounts on the change of property. *Ibid.* § 23.

—— Empowered to call the aſſeſſors before them, and correct their valuations of property. *Ibid.* § 24.

—— To value the property of the aſſeſſors. *Ibid.* § 25.

—— To direct their clerk to enter accounts of the property, the valuation, aſſeſſment, &c. *Ibid.* § 26.

—— Summary accounts thereof to be laid before the commiſſioners by the clerk, and by them recorded in the county courts, and duplicates thereof to be ſent to the general aſſembly. *Ibid.* § 27.

Liſts of alienations of land to be forwarded to the commiſſioners by the clerks of the general courts. *Ibid.* § 38.

Directions reſpecting leaſe-hold and other temporary eſtates in the city of Baltimore. *Ibid.* § 43.

—— Rules for eſtimating eſtates and intereſts in lands and town lots, and particular eſtates and intereſts, &c. *Ibid.* § 41, 1798, ch. 96.

Power of the commiſſioners reſpecting the collectors of the county charges. 1797, ch. 90.

Liſts of able bodied citizens taken under the act for regulating the militia directed to be returned to the commiſſioners of the tax. 1793, ch. 53, § 2.

Power of the commiſſioners reſpecting replevins for property ſeized by collectors. 1786, ch. 12, § 2, 3.

Liſts of grants of land to be forwarded by the regiſters of the land-offices to the commiſſioners of the tax. November, 1781, ch. 20, § 15, 1795, ch. 61, § 7.

I N D E X.

COMMISSIONERS OF THE TAX.

—— Liſts of certificates ready for patent to be ſo forwarded. 1797, ch. 89, § 37.

Power of the commiſſioners on perſons refuſing to give to the aſſeſſors or collectors accounts of their property. *Ibid.* § 15, 30.

COMMISSIONS.

All public commiſſions ſhall run thus, "The ſtate of Maryland," &c. and ſhall be ſigned by the governor, and atteſted by the chancellor, with the ſeal of the ſtate annexed, except military and militia commiſſions, which ſhall not be atteſted by the chancellor, or have the ſeal of the ſtate annexed. Conſt. 57.

Form of a commiſſion to the judges of the general court and the court of appeals. February, 1777, ch. 5, § 1.

—— To the juſtices of the county courts. *Ibid.*

—— To a ſheriff coroner, ſurveyor or any other civil officer of government. *Ibid.*

Militia commiſſions ſhall be deemed to be reſigned by the removal of officers for their permanent reſidence. 1798, ch. 100, § 4.

COMMITMENT.

The houſe of delegates may commit any perſon for any crime to the public gaol, there to remain till diſcharged by due courſe of law. Conſt. 10.

Power of the houſe of delegates and the ſenate to puniſh contempts and breaches of privilege, by impriſonment. *Ibid.* 12.

One aſſociate juſtice may commit any perſon preſented in court or indicted, for want of ſecurity. 1796, ch. 43, § 5.

—— May direct commitments to be entered againſt perſons brought in on execution. *Ibid.*

—— On a ſurrender, may take new bail, or commit for want of bail. *Ibid.*

All commitments and recognizances for crimes, &c. ſhall be returned to the courts appointed by this act on the firſt day thereof. *Ibid.*

Any witneſs ſummoned or attached, who, being preſent, ſhall refuſe or delay to give his evidence, ſhall be committed to gaol, there to remain till he ſhall willingly do the ſame. 1715, ch. 37, § 5.

Where a witneſs in a criminal caſe is committed for want of ſecurity for his appearance to teſtify, the county or ſtate ſhall pay his impriſonment fees. 1752, ch. 13, § 2.

The orphans courts empowered to commit perſons refuſing to give evidence. 1798, No. 101, ch. 15, § 13.

COMMITTEE.

The chancellor may appoint a committee for lunatics, &c. 1785, ch. 72, § 6.

COMMON LAW.

The inhabitants of Maryland entitled to the common law of England, and the trial by jury according to the courſe of that law. Decl. 3.

Regulations reſpecting common law fines. February, 1777, ch. 13, 1791, ch. 63.

The rule of common law ſhall take place between the parties entitled to real eſtate, as to the enjoyment thereof, if it conſiſts of things indiviſible in their nature. 1786, ch. 45, § 8.

COMMON RECOVERY.

Common recoveries heretofore ſuffered in the provincial court, by conſent and agreement of the parties, are good and available, notwithſtanding any defect in drawing, &c. November, 1766, ch. 21, § 2.

—— Provided that ſome one party was actual tenant of the free-hold in the lands, &c. recovered, and ſome of the perſons joining had ſufficient eſtate and power to ſuffer the ſame. *Ibid.*

COMMON RECOVERY.

—— Conveyances made before the execution of com coveries declared good and available as if made after th *Ibid.* § 3.

COMPROMISE.

The agent of the ſtate empowered, by and with the and conſent of the governor and council, to compromiſe of uninſtalled debts. 1799, ch. 80, § 8.

—— To compromiſe in like manner ſuits in chancery § 9.

CONDITION.

The condition in a pardon to be effectual. November ch. 17, § 2.

—— Penalty on returning to the ſtate contrary to ſu dition. *Ibid.* § 4.

CONFEDERATION.

The delegates of this ſtate in congreſs empowered quired, on behalf of this ſtate, to ſubſcribe the articles federation between the thirteen United States. October ch. 40, § 2.

—— The ſtate does not thereby relinquiſh any right reſt in the back country. *Ibid.*

—— No article in the confederation to bind this or a ſtate to guaranty any excluſive claim of a particular ſta ſoil of the ſaid back lands, &c. *Ibid.*

CONFESSION.

One aſſociate juſtice may, in court, direct judgmen entered by confeſſion. 1796, ch. 43, § 5.

—— The chief juſtice, or either aſſociate, may, out o direct judgments to be entered by the clerk by confeſſio as valid as if in court. *Ibid.* § 20.

CONFISCATION.

So much of the Britiſh property in this ſtate as migh ceſſary pledged for the redemption of the bills of cred monly called Black Money. June, 1780, ch. 24, § 1

All property in the ſtate, (debts excepted,) belongin tiſh ſubjects, to be ſeized and confiſcated to the uſe of October, 1780, ch. 45, § 2.

—— What perſons were deemed Britiſh ſubjects.

—— Permiſſion for certain perſons to return, on c &c. *Ibid.* § 4.

—— Their property to remain chargeable with the tr *Ibid.* § 5.

Certain property exempted from confiſcation. *Ibid.*

Property of the truſtees of the bank ſtock ſet apar demption of certain bills of credit, &c. *Ibid.* § 7.

Subjects of this ſtate, creditors of Britiſh ſubjects, demnified out of the effects of their debtors. *Ibid.* §

Citizens of this ſtate, (having taken the oath, manife attachment, &c.) to be fully paid and indemnified, their Britiſh debtors were ſolvent, out of the Britiſh ſeized and confiſcated. *Ibid.*

Payments and remittances to Great-Britain reſtraine § 9.

—— Factors directed to deliver up books, &c. *Ibi*

—— Where the property of a Britiſh debtor was app by the aſſembly, and the debts due to him were in other property was to be applied to the value appropriat § 11.

The indemnification of ſufferers to be ſettled by th aſſembly, and, (if agreed to,) not to exceed the value property made uſe of by the ſtate. *Ibid.* § 12.

I N D E X.

CONFISCATION.

tions for ſetting aſide fraudulent grants, &c. to protect from confiſcation. *Ibid.* § 13.

h property confiſcated, but not appropriated, to be ſub- the diſpoſition of the general aſſembly. *Ibid.* § 14.

ficates given to the officers and ſoldiers to be paid out of ted Britiſh property. *Ibid.* ch. 38, § 3.

miſſioners appointed to preſerve Britiſh property confiſ- and declared to be ſeized thereof, &c. *Ibid.* ch. 49, § 1.

The commiſſioners to appoint perſons to take charge of perty, to render an account, &c. *Ibid.*

Proviſions reſpecting claims made thereto by the perſons tion. *Ibid.*

The commiſſioners to take an oath, &c. to appoint a is oath, allowance, and that of the commiſſioners. *Ibid.*

The commiſſioners declared to be ſeized of all property belonged to perſons outlawed for treaſon, and directed to and account for it. *Ibid.* § 4.

n confiſcated manors, &c. ſet apart as a ſecurity for mo- poſed to be borrowed, and to be ſold therefor. *Ibid.* § 4.

property of certain perſons therein named directed to be in parcels, and ſold by the commiſſioners. *Ibid.* § 6.

The property ſo ſold warranted and ſecured to the pur- *Ibid.* § 7.

The commiſſioners directed to be fully ſatisfied as to the of ſuch property before a ſale. *Ibid.* § 8.

tions reſpecting the payments for confiſcated property d. May, 1781, ch. 20, § 1, 2.

For reſales of ſuch property. *Ibid.*

The parties empowered to file bills in chancery to com- yances, or to commence actions for damages. *Ibid.* § 3.

n property directed to be ſold for ſecuring the payment bills of credit commonly called Red Money. *Ibid.* § 12 to 18.

n property directed to be ſold for ſecuring the payment bills of credit commonly called Black Money. *Ibid.*

n property directed to be ſold, part for ſpecie and part ental ſtate money. *Ibid.* ch. 37.

ommiſſioners directed to certify claims againſt ſuch pro- the treaſurer, who was to ſet apart bonds or money *Ibid.* § 4.

n property directed to be ſold, part for the redemption ack money, and part for continental ſtate money. No- 1781, ch. 2.

n property directed to be ſold for ſpecie. *Ibid.* ch. 28, § 7.

The commiſſioners empowered, on payment being made, the right of the ſtate to manor lands formerly agreed d. § 7.

Directions where the lands ſold interfered with other ld. § 8.

n property directed to be ſold which had been pledged demption of certificates under the act to ſettle and ad- accounts of the troops of this ſtate, &c. *Ibid.* ch. 31.

ommiſſioners directed to confirm the ſale of certain d property, or to reſell the ſame. April, 1782, ch. 3, § 9.

Directed to ſell certain unappropriated property for ſpe- d. § 9.

roperty of tenants in tail being ſeized and confiſcated, affect the rights of perſons in reverſion or remainder. 82, ch. 19.

The commiſſioners directed to ſell the forfeited intereſts d inheritances. *Ibid.*

CONFISCATION.

Claims againſt perſons whoſe property was confiſcated to be brought in to the auditor to be adjuſted, &c. *Ibid.* ch. 36, November, 1782, ch. 24, November, 1787, ch. 23.

—— Part of the confiſcated property directed to be ſold to pay ſuch claims, or a dividend of them. November, 1782, ch. 24, § 3, 4, 5.

Directions for bringing in claims to confiſcated property, and limitation of the time. April, 1782, ch. 60, § 2, 3.

Actions of trover or replevin directed to be proſecuted by the commiſſioners for property liable to confiſcation. *Ibid.* § 4, 5.

Certain ſales of confiſcated property confirmed. *Ibid.* § 6.

The commiſſioners directed to proceed in chancery where property had been mortgaged to Britiſh ſubjects, and to compromiſe in ſuch caſes. *Ibid.* § 7, 8.

Directions for ſuits againſt perſons who had not complied with the terms of ſale. *Ibid.* § 9.

Directions for valuing a mine bank, which the commiſſioners had agreed to ſell. *Ibid.* § 10.

The commiſſioners directed not to ſell any more of the property pledged for the laſt emiſſion, except negroes, ſtock, &c. *Ibid.* § 11.

Certain purchaſes of confiſcated property confirmed. November, 1782, ch. 7.

Directions for the ſale of certain confiſcated property. April, 1783, ch. 20, 1784, ch. 55, § 9.

Proviſion made for the diſcovery of confiſcated property, and penalty on concealing it. 1784, ch. 81.

Mode of obtaining patents for land ſold by the commiſſioners of confiſcated property, and of determining diſputes thereon, &c. 1785, ch. 66, § 1, 5.

Regulations reſpecting bonds to be given by the purchaſers, and the indemnification of ſecurities. *Ibid.* ch. 84, § 5, 7.

The governor and council authoriſed to appoint ſome perſon to complete the tranſactions of the late commiſſioners. *Ibid.* ch. 88, § 3.

—— Such perſon empowered to ſettle with purchaſers, to make ſales, &c. *Ibid.*

—— Empowered to compound with any one making a diſcovery to him before the firſt of Auguſt then next, of any Britiſh property, and to give not exceeding one third of the value thereof to perſons making ſuch diſcovery after the ſaid firſt day of Auguſt, and before the firſt of May, 1787. *Ibid.*

Proof required on claims againſt the ſtate on account of the property of the debtor being confiſcated. 1786, ch. 18, § 3.

Surveys directed to be made of the land purchaſed, to be reported to the chancellor, who was authoriſed to make allowance. *Ibid.* ch. 44, § 2.

—— Executions directed to be ſtaid on bonds for ſuch property, on affidavit of a want of title. *Ibid.* § 4.

On the rejection by the auditor of claims againſt confiſcated property, the chancellor authoriſed to make up an iſſue, to be ſent to a court of law for trial, and on their judgment, the claim to be received for payment by the treaſurer. *Ibid.* ch. 49, § 4.

—— Where debts were due from citizens to perſons whoſe property was confiſcated, they were to be firſt reſorted to for payment. *Ibid.* § 5.

In caſes of contract and ſale of any real property by a Britiſh ſubject previous to the revolution, the chancellor empowered to decree a conveyance of the property, and payment of the money. *Ibid.* § 8.

—— Such conveyance to be executed by the chancellor. *Ibid.*

The chancellor empowered to determine all diſputes between the purchaſers of confiſcated property and the ſtate. April, 1787, ch. 30, § 4.

Perſons claiming lands in Cæcil county, called the Nottingham Lot Lands and the Welch Tract, held by equitable titles under

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under the proprietors of Pennſylvania, and ſold by the intendant as confiſcated property, entitled to patents on payment of £. 15 per 100 acres, and making their title appear to the chancellor. November, 1788, ch. 40, § 2.

—— The chancellor thereupon to direct their bonds to be given up. *Ibid.* § 3.

—— Certificates to be granted by the treaſurer for the overplus which they may have paid. *Ibid.* § 4.

—— Proceſs not to iſſue on bonds for ſuch property within one year. *Ibid.* § 5.

—— Mode of proof to the chancellor preſcribed. *Ibid.* § 6.

—— The chancellor to determine controverſies reſpecting the ſaid lands, and to hear all claims under this act as judge of the land-office, and the proceedings to be recorded therein. *Ibid.* § 7, 8.

—— Directions for ſurveying and returning certificates of the ſaid lands. *Ibid.* § 9.

Perſons ſimilarly circumſtanced with thoſe in Cæcil county to have the ſame relief, &c. 1789, ch. 14.

The governor and council empowered to compound with perſons who had diſcovered confiſcated property at any time before the firſt of May, 1797, and to allow not exceeding one third of the value of ſuch property, according to the act of 1785, ch. 88. November, 1788, ch. 49, § 2.

The governor and council directed to diſpoſe of all confiſcated property on hand for certificates. 1789, ch. 47, § 19.

The ſtate's agent empowered to diſpoſe of all confiſcated property unſold. 1791, ch. 77, § 8.

—— Empowered to releaſe purchaſers. *Ibid.* § 9.

—— The governor and council empowered to releaſe certain purchaſers. *Ibid.* § 10.

—— Manner in which certain debtors for confiſcated property were allowed to pay. *Ibid.* § 11, 12.

The agent empowered to compound with the diſcoverers of confiſcated Britiſh property on the terms preſcribed in the act of November, 1788, ch. 49, and to diſpoſe thereof. *Ibid.* ch. 90, § 1.

—— Directed to call on all ſuch diſcoverers, and if they ſhould not, before the firſt of June, 1792, make known to him the ſtate's title, the agent to proceed to aſcertain the ſtate's right, and diſpoſe of ſuch property, without compenſation to the diſcoverers. *Ibid.* § 2.

The agent empowered to diſpoſe of all confiſcated property unſold. November, 1792, ch. 81, § 6.

—— Empowered, with the approbation of the governor and council, to releaſe purchaſers, and take back the property, and to ſell the ſame, and to make compoſition with purchaſers. *Ibid.* § 7.

The chancellor empowered to grant deeds or patents for confiſcated property ſold by the agents of the ſtate. 1793, ch. 64, § 3, 1795, ch. 6.

Times of receiving certificates of lands ſurveyed under the act of 1785, ch. 66. 1794, ch. 35, 1795, ch. 81.

The right of the ſtate to any lands then held under any judgement of condemnation on attachments proſecuted before the 4th of July, 1776, releaſed. 1797, ch. 119.

—— Not to affect the rights of any citizen that accrued before the paſſage of this act. *Ibid.*

—— Not to affect the right (if any,) of the informer of any of the ſaid lands as liable to confiſcation, if proſecuted under any law of the ſtate within two years. *Ibid.*

The agent empowered to diſpoſe of all confiſcated property remaining, and to take bonds to the ſtate. 1799, ch. 80, § 6.

—— Directed to iſſue proceſs on bonds for confiſcated property. *Ibid.* § 12.

CONGRESS.

The repreſentatives from this ſtate empowered to cede congreſs of the United States any diſtrict in this ſtate, ceeding ten miles ſquare, which the congreſs may fix u accept for the ſeat of government of the United State vember, 1788, ch. 46.

All that part of the territory of Columbia which lies the limits of this ſtate, ſhall be for ever ceded and relinqu the congreſs and government of the United States, in t ner therein mentioned. 1791, ch. 45, § 2.

The juriſdiction of the laws of this ſtate ſhall not cea termine until congreſs ſhall, by law, provide for the gov thereof as therein mentioned. *Ibid.*

Directions for holding elections for repreſentatives in greſs of the United States. 1790, ch. 16, 1791, ch. 62 1798, ch. 111, ch. 115, 1799, ch. 48, ch. 50.

See ELECTIONS.

No member of congreſs ſhall be capable of having the general aſſembly, of being an elector of the ſenate, ing any office of truſt or profit under this ſtate. 1791 confirmed by November, 1792, ch. 22.

—— Members of the legiſlature, &c. taking thei congreſs, or, (if elected,) not reſigning ſuch ſeats with days after notice of their election or appointment, thei the legiſlature, &c. or appointments, ſhall be void. *I*

—— A proviſion in favour of perſons then member greſs, or holding both offices, or who might be ſo on firmation of this act, permitting them to reſign thei offices within fifteen days. *Ibid.*

CONSANGUINITY.

Degrees of conſanguinity within which it ſhall not to marry. February, 1777, ch. 12, § 2.

See MARRIAGE.

CONSTABLES.

Directions for the appointment of conſtables. 171 1794, ch. 53, § 8.

—— Manner of ſignifying to them their app 1752, ch. 7, § 2.

—— Penalty on their refuſing or neglecting t 1715, ch. 15, § 2, 1752, ch. 7, § 2, April, 1782, ch

—— Manner of appointing others on their refuſ ch. 7, § 3.

—— Directed to ſerve all warrants, &c. from a concerning any matter between parties. 1715, ch. 1

Regulations reſpecting their fees. *Ibid.* § 6, 7 1780, ch. 17.

Conſtables exempted from attendance as jurors. 17 § 4.

—— Warrants for ſmall debts, how to be direct ch. 12, § 4.

Conſtables to be appointed to ſuppreſs the tumultuo of ſlaves. 1723, ch. 15, § 2.

—— Their duty therein preſcribed. *Ibid.* § 2, 3.

—— Their allowance therefor. *Ibid.* § 4.

Penalty on curſing or ſwearing in preſence of trate, &c. or conſtable. *Ibid.* ch. 16, § 2, 3, 4, 5.

Perſons not lawfully exempted, to be appointed a to puniſh ſuch offenders. *Ibid.* § 4.

Their duty as to ſlaves meeting in a tumultuou the quakers meetings. 1747, ch. 17, § 8.

Conſtables directed to aſſiſt the truſtees of the and their officers. 1768, ch. 29, § 23.

Warrants may be directed to them to levy fines, ed before a juſtice of the peace. February, 1777,

CONSTABLES.

On receipt thereof they are to pay them, half to the ..., and half to the ſheriff to be paid to the treaſurer.

...ables to be ſworn up to the grand jury at every county ... March, 1780, ch. 24, § 21.

... of conſtables reſpecting hawkers and pedlers. 1784, ... 6, ch. 37, § 23.

...ables may, on complaint, enter the houſe of any retailer ...ituous liquors, and call for and inſpect his meaſures. ...ch. 7, § 10, ch. 37, § 27.

... duty reſpecting illegitimate children. November, 1781, ... 1785, ch. 47.

... duty reſpecting ſmall debts recovered before juſtices of ...ce. 1791, ch. 68.

SMALL DEBTS.

...ables to be appointed by the criminal court of Baltimore. ...ch. 57, § 26.

...ables may be appointed by the wreck-maſter in Worceſter ... to ſummon perſons to aſſiſt veſſels in diſtreſs. 1799, ... § 2.

...ty on refuſal or neglect. *Ibid.* § 3.

CONSTITUTION.

... declaration of rights, or the form of government to be ...ed by this convention, or any part of either of them, ...t to be altered, changed or aboliſhed, by the legiſlature ...ſtate, but in ſuch manner as this convention ſhall pre... and direct. Decl. 42.

... form of government, and the declaration of rights, and ... thereof, ſhall be altered, changed or aboliſhed, unleſs a ... to alter, change or aboliſh the ſame, ſhall paſs the gene...bly, and be publiſhed at leaſt three months before a new ..., and ſhall be confirmed by the general aſſembly, after a ...tion of delegates, in the firſt ſeſſion after ſuch new elec...rovided that nothing in this form of government which ... to the eaſtern ſhore particularly, ſhall at any time here... altered, unleſs, for the alteration and confirmation ... at leaſt two thirds of all the members of each branch ...eneral aſſembly ſhall concur. Conſt. 59.

...ations of the conſtitution. 1791, ch. 80, confirmed by ...er, 1792, ch. 22, 1794, ch. 29, confirmed by 1795, ... 1797, ch. 57, confirmed by 1798, ch. 2, 1797, ch. 118, ...ed by 1798, ch. 83, 1798, ch. 115, confirmed by 1799,

CONTINUANCE.

... of continuance of actions in the court of appeals. ...h. 14, § 2, 1730, ch. 16.

...ns in the courts of law ſuffered to be continued till the ...e fourth court after the appearance court, and no longer, ... the caſes therein mentioned. 1721, ch. 14, § 2.

...al of the time of continuance by the act of 1721, and ...me of continuance in the county courts. November, ...h. 9, § 1.

No action to be continued beyond that time on the ſug...hat evidence is wanting from ſome other of the United ...s from beyond ſea. *Ibid.* § 2.

But the courts may continue any action, on its appear... their full ſatisfaction, by the oath or affirmation of the ... ſome other credible perſon in writing, that a witneſs, ...all be named,) or teſtimony material and competent in ... is really wanting from ſome other of the United ...s from beyond ſea; that the party, his agent or attor... uſed his proper and reaſonable endeavours to procure ... that the party, or ſuch other credible perſon, verily ...hat the cauſe cannot be tried with juſtice to the party

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without ſuch evidence or teſtimony; and that he has a reaſona... ble expectation and belief that the ſame can thereafter be pro... cured in ſome reaſonable time, of which time the ſaid courts ſhall determine. *Ibid.*

Unleſs the court, on examination of the party or parties, ſhall be of opinion that the fact, ſo to be proved by ſuch teſti... mony, is immaterial, or the adverſe party will admit the truth of ſuch allegation or fact thought material or neceſſary to be proved, in either of which caſes the trial ſhall proceed, or the cauſe be diſcontinued, with coſts to the party requiring no delay. *Ibid.*

—— The courts may examine into the nature of the action and cauſe of delay, and into the proof alleged to be material, &c. and wanting for the trial of the merits, and may examine the party applying for a continuance on oath, or affirmation, as to the facts expected to be proved. *Ibid.* § 3.

—— In actions of treſpaſs or ejectment, if plots are defec... tive or not returned, and the courts may think a continuance neceſſary for trial of the merits, they may continue ſuch cauſes, not exceeding three courts after the uſual time of continuance by law, on reaſonable terms. *Ibid.* § 4.

—— On the neglect of the ſurveyor to return ſuch plots, he may be ordered to pay the coſts of the term, and be fined by the court. *Ibid.*

—— Where a verdict ſhall be ſet aſide, and a new trial granted, the courts may continue ſuch cauſe, not exceeding four courts after the uſual time of continuance by law, on reaſonable terms. *Ibid.* § 5.

Where commiſſions iſſue to take the depoſitions of witneſſes reſiding out of the ſtate, the courts may continue ſuch cauſes, not exceeding four courts after the uſual time of continuance by law, on reaſonable terms. *Ibid.*

—— Where commiſſions iſſue to parts without the United States, the cauſe may be continued, for want of the return thereof, as long as the court, under all circumſtances, ſhall, in their diſcretion, think reaſonable. 1794, ch. 6.

Where a judgment ſhall be ſet aſide for fraud, &c. in obtain... ing it, the courts may direct the continuances to be entered from the court when it was obtained till that when it was ſet aſide. November, 1787, ch. 9, § 6.

—— They may alſo continue ſuch cauſe for trial of the merits not exceeding two courts after it is reinſtated, (unleſs evidence, &c. is wanting as in other caſes.) *Ibid.*

Where, by the death of the plaintiff or defendant, new parties are made, or to be made, the courts may continue ſuch actions not exceeding the end of the third court after the appearance court, (unleſs evidence, &c. is wanting as in other caſes.) *Ibid.* § 7.

Where the attendance of a witneſs, (reſiding within the ſtate,) to a material fact, cannot be procured, the courts may continue ſuch cauſe as long as they may think proper, if the adverſe party will not admit the facts, or conſent to the taking the depoſi... tion of ſuch witneſs on interrogatories. *Ibid.* § 8.

On a ſpecial verdict, or caſe ſtated, the courts ſhall not con... tinue any cauſe on a *curia advisare vult* longer than to the end of the third court after verdict taken, or caſe ſtated. *Ibid.* § 9.

Actions in the county courts ſhall not continue longer than the end of the firſt court after the imparlance court, unleſs by conſent of parties, at the diſcretion of the court, or ſuch cauſe as the law may allow for the continuance of ſuits beyond the time limitted ſhall appear to the ſatisfaction of the court. 1796, ch. 43, § 11.

Cauſes referred by conſent of parties, and rule of court, ſhall continue till an award is returned. 1785, ch. 80, § 11.

Where amendments are made in the proceedings, the adverſe party ſhall have time allowed, in the diſcretion of the court, to

prepare

CONTINUANCE.

prepare to ſupport his caſe on the ſtate of the proceedings ſo amended. *Ibid.* § 4.

Cauſes returned by writ of *procedendo*, after an appeal, may be continued as other actions, according to the diſcretion of the court, unleſs the parties give notice of trial at the return court above thirty days before the ſitting thereof. 1790, ch. 42.

Replevins ſued out, under a warrant from a juſtice, for property ſeized for taxes, ſhall be tried and determined at the court to which they ſhall be returnable, unleſs upon ſpecial reaſons ſhewn to the court, on affidavit in writing, they ſhall otherwiſe order. *Ibid.* ch. 53, § 8.

Appeals from a juſtice of the peace to the county court, to be heard the firſt court without further continuance, unleſs it appears to the court that further time ought to be given. 1791, ch. 68, § 4.

Directions reſpecting the continuance of caveats in the land-offices. 1797, ch. 114, § 10, 11.

See LAND.

Iſſues made up in the orphans courts, and ſent to courts of law for trial, ſhall continue no longer than is neceſſary to procure the attendance of witneſſes. 1798, No. 101, ch. 15, § 17.

CONTRACT.

All debts or promiſes hereafter contracted or made for gold or ſilver actually and *bonâ fide* lent, and ſo expreſſed in any bond, note or other inſtrument in writing, ſhall be paid in gold or ſilver, according to the contract and the meaning of the parties, provided that the creditor at the time of the loan, or within three months thereafter, ſhall, on the bond, note or other writing, endorſe and ſign, in the preſence of one or more of the witneſſes to the contract, that ſuch bond, &c. was taken for ſpecie lent, and provided alſo, that the creditor make oath as aforeſaid. June, 1780, ch. 28, § 1, 2, 3.

Regulations reſpecting contracts, (not for gold or ſilver or ſterling money, or intended to prevent the payment of the bills therein mentioned,) which had been made between the 1ſt of September, 1776, and the 20th of April, 1779. October, 1780, ch. 5, § 9.

—— Reſpecting contracts thereafter to be made for gold or ſilver, or paper money. *Ibid.* § 10.

Contracts to purchaſers, although without deed, not to be affected by a decree for recording deeds which had not been recorded in time. 1785, ch. 72, § 11.

Contracts made for lands, &c. held by infants, idiots, &c. may, if advantageous to both parties, be confirmed by the chancellor. *Ibid.* § 12.

CONVENTION.

The ſubſiſting reſolves of this and the ſeveral conventions held for this *colony*, ought to be in force as laws, unleſs altered by this convention, or the legiſlature of this ſtate. Decl. 41.

Deputies appointed from this ſtate to the federal convention, and powers conferred on them. April, 1787, ch. 36.

CONVEYANCE.

All ſales, gifts and grants, before the 13th of April, 1674, of any lands, &c. made by writing, with or without ſeal, by perſons having a right, to be good in law, notwithſtanding errors in form. 1715, ch. 47, § 2.

—— Alſo all ſales, &c. that could be proved by witneſſes, where the writings were loſt. *Ibid.* § 3.

—— Sales and grants of any lands, &c. by deed indented and enrolled ſince the 13th of April, 1674, or that might thereafter be ſo, to be good in law, without livery of ſeizin. *Ibid.* § 4.

—— Conveyances made and enrolled under the ſeveral acts of 1674, ch. 2, 1692, ch. 30, and 1699, ch. 42, while they continued, are confirmed, but declared void if not enrolled. § 5, 6, 7.

No manors, lands, tenements or hereditaments, ſhall b bargain or ſale, nor any eſtate for above ſeven years, exce deed or conveyance be made by writing, ſealed and ac ledged, and enrolled within ſix months from the date. *Ibi* 1794, ch. 57.

—— The ſaid ſix months to be calendar months. N ber, 1779, ch. 10, § 2.

—— Such acknowledgment may be made in the general or before a judge thereof. 1715, ch. 47, § 8.

—— In the county courts where the lands lie. *Ibid.*

—— Before the chief juſtice of a county court wit diſtrict. 1796, ch. 43, § 6.

—— Before an aſſociate juſtice within his county. *Ib*

—— Before two juſtices of the county where the lan 1715, ch. 47, § 8.

—— Before the court, or two juſtices of the county the grantor lives, if remote from the general court, or th ty where the land lies, on tranſmitting a certificate acknowledgment by the clerk, under ſeal, to the county the lands lie. *Ibid.* § 9.

—— By letter of attorney ſufficiently proved, whe grantor lives in another ſtate, the acknowledgment to be ſame courts, &c. as in other caſes. *Ibid.*

—— Acknowledgments of deeds in the mayor's co before two magiſtrates of the city of Annapolis, if the la within the precincts of that city, declared good and avail if acknowledged before a judge of the general court, or of the county. 1725, ch. 8.

—— No *feme-covert*, named as a grantor, or her hei be barred, except upon her acknowledgment of the writi the perſon or perſons taking the acknowledgment ſhall her privately, out of the hearing of her huſband, "whet doth make her acknowledgment of the ſame willingly and and without being induced thereto by fear or threats o uſage by, her huſband, or fear of his diſpleaſure." ch. 47, § 11.

—— Such examination and acknowledgment to be by the perſon or perſons taking the ſame, and the ce enrolled upon record. *Ibid.*

—— Where not named in the deed, but having only of dower, ſhe may be barred thereof by ſuch like ledgment. *Ibid.*

All acknowledgments of deeds, under any of the former acts, by thoſe having a right, before one provincial ju one or two of the council, and enrolled according to th tions of thoſe acts, confirmed. *Ibid.* § 12.

The acknowledgment and examination of any *fem* reſiding out of the *province*, taken before the mayor corporation in Great-Britain or Ireland, or before one j the ſupreme court of any *province* or *colony* within his m dominions, and certified, by endorſement on ſuch deed, u hand of ſuch magiſtrate, and ſeal of the corporation or c ſpectively, ſhall be good in law to bar ſuch *feme-covert* of of inheritance or dower, as the caſe may be. 1752, ch.

An acknowledgment that the lands, &c. are the eſtate of the grantee, or an acknowledgment tantamount or in any words declaratory of the intention of the gran to convey to the grantee, ſhall be as available as if the had acknowledged the ſaid inſtrument to be his act a 1797, ch. 103, § 3.

—— But not to change the mode preſcribed for ta acknowledgments of *feme-coverts*. *Ibid.*

—— Deeds formerly ſo acknowledged to be available the grantors. *Ibid.* § 2.

I N D E X.

CONVEYANCES.

nveyances by nonreſidents to be acknowledged in the manſet forth in the act of 1715, ch. 47, within eighteen months the time of execution, if without the United States, or if out the ſtate, but in the United States, within ſix months. , ch. 103.

eds for lands in the territory of Columbia may be acknowledged as in other caſes, or before either of the commiſſers of the city of Waſhington. 1791, ch. 45, § 8.

— The certificates granted, or to be granted, by the commiſſioners, or any two of them, to purchaſers of lots, with nowledgment of the payment of the whole purchaſe money, recorded, ſhall veſt the legal eſtate without any deed or her conveyance. 1793, ch. 58, § 1.

e clerk ſhall endorſe on every deed the time of receiving all enrol it, and alphabet the names of both parties, and ſe and ſign the enrolment and folio. 1715, ch. 47, § 8.

certificate from the clerk, with the ſeal of the county e the grantor reſides, ſhall be a ſufficient warrant to the where the land lies to enrol the deed. *Ibid.* § 9.

— Deeds acknowledged by letter of attorney, where the or lives in another ſtate, to be enrolled as aforeſaid. *Ibid.*

ch writings, acknowledged and enrolled as aforeſaid, ſhall ſtrued more favourably for the grantee, and more ſtrongly rring the grantor, and according to the apparent intention e parties, though not ſo firmly drawn as in England, &c. § 10.

general regiſtry of conveyances declared neceſſary. Noer, 1766, ch. 14, § 1.

er May, 1767, no eſtate of inheritance or free-hold, or ation or limitation of uſe, or any eſtate for above ſeven ſhall take effect, unleſs the deed, &c. is acknowledged in neral court, or before one of the juſtices thereof, or in the court, or before two juſtices of the county where the ie, and be enrolled in the records of the ſame county or neral court, as the caſe may be, within ſix months after te. *Ibid.* § 2.

— The ſaid ſix months to be calendar months. November, ch. 10.

— The clerks reſpectively ſhall immediately endorſe the f receiving ſuch deeds, and enrol the ſame in a good folio to be alphabeted in the names of all the parties, and the of the land and quantity of acres. *Ibid.*

— A certificate of ſuch enrolment ſhall be endorſed by the on ſuch deed, with the time of making it, and the folio of ook it is enrolled in, and the clerk ſhall ſign the ſaid cer-e. *Ibid.*

— Such books to remain in the cuſtody of the clerks of the l and county courts reſpectively. *Ibid.*

nner of acknowledging and enrolling deeds, where the rs live out of the counties where the lands lie. *Ibid.* § 3.

nner of acknowledging deeds by letter of attorney, and of ng them where the grantors do not reſide in the ſtate. § 4.

— Every ſuch writing, to be acknowledged and enrolled as ſaid, and every deed of bargain and ſale of any lands, &c. ter to be made, ſhall have relation, as to conveying the es, from the date thereof. *Ibid.* § 5.

— Directions reſpecting the acknowledgments of *feme-*. *Ibid.* § 6.

— Indenting not neceſſary to the validity of any deed ter to be made. 1794, ch. 57.

ds acknowledged before a judge of the general court may olled in the records of the general court, or in the county the lands lie, and deeds acknowledged in the county the lands lie may be enrolled in the records of the ſaid or in thoſe of the general court. 1785, ch. 9, § 4, 5.

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—— Deeds, which had been before ſo acknowledged and recorded, made valid. *Ibid.* § 2, 3.

Deeds enrolled in the general court, may, on application of the party claiming under them, be tranſmitted, with a certificate of ſuch enrolment, ſigned and ſealed by the clerk, to the clerk of the county where the lands lie, who ſhall enrol ſuch deed and certificate in the records of his county. *Ibid.* § 6.

—— Deeds enrolled in the courts of the counties where the lands lie, may, in like manner, be tranſmitted to, and enrolled in, the general court. *Ibid.*

When a deed is enrolled in a county court, the clerk ſhall enter in a record book the ſubſtance of ſuch deed, to wit, the date, names, &c. and ſhall note the day of the enrolment, and ſign his name thereto. *Ibid.* § 7.

—— A copy of ſuch record entry to be tranſmitted annually in May to the clerk of the general court, to be recorded, and the tranſcript to be ſafely kept. *Ibid.*

—— Allowance to the clerks for ſuch tranſcript. *Ibid.*

—— If an original deed, and the record thereof at length, is loſt or deſtroyed, ſuch record entries, or copies of them, ſhall be admitted in evidence. *Ibid.*

—— The judges of the general court may admit ſuch evidence although the original deed or the record thereof at length may not be loſt or deſtroyed, in all caſes where they ſhall be of opinion, from the circumſtances, &c. that it is not neceſſary to have the deed at length. *Ibid.*

—— But no ſuch record entry, or copy thereof, ſhall be admitted as evidence, if the party to be affected by it ſhall give the other notice, a term before the trial, to produce the original deed, or a full copy. *Ibid.*

Proviſion for the recording of deeds by the decree of the chancellor, which had been or might be executed, and not recorded. 1785, ch. 72, § 11, November, 1792, ch. 41, § 3.

—— For the recording ſuch deeds where the parties making them, or their repreſentatives, &c. live out of the ſtate. 1791, ch. 79, § 2, 3.

Any perſon ſeized of an eſtate tail in poſſeſſion, remainder or reverſion, may convey the ſame in the manner in which perſons ſeized of eſtates in fee-ſimple may convey. November, 1782, ch. 23, § 2.

Regulations reſpecting certain conveyances and leaſes in the city of Waſhington. 1791, ch. 45, § 5.

—— Reſpecting conveyances therein to and from foreigners. *Ibid.* § 6.

The commiſſioners of the city of Waſhington, or any two of them, enabled to appoint a clerk for recording deeds of lands within the territory of Columbia. *Ibid.* § 7.

—— Acknowledgments of deeds made as the laws direct, or before either of the commiſſioners, ſhall be effectual, and no deed, hereafter to be made, of or for lands within that part of the ſaid territory which lies within this ſtate, ſhall operate as a legal conveyance, nor ſhall any leaſe for more than ſeven years be effectual, unleſs the deed ſhall have been acknowledged as aforeſaid, and delivered to the ſaid clerk to be recorded within ſix calendar months from the date thereof. *Ibid.* § 8.

—— Conveyances of lands within the ſaid territory, recorded agreeably to the act of 1791, ch. 45, by the clerk therein mentioned, ſhall be as valid as if recorded in the manner preſcribed by law before the paſſage of the ſaid act. November, 1792, ch. 59, § 2.

Manner of compelling a conveyance from infants, idiots, &c. of lands mortgaged, charged with the payment of money or tobacco, and liable to a decree for ſale, or bound by agreement to convey. November, 1773, ch. 7, § 1, 2, 3.

—— Such infants, &c. to be bound by conveyances made in ſuch caſes by their guardians. October, 1778, ch. 22, § 1, 2, 4.

—— Such

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—— Such conveyances before made by the ſaid guardians declared valid. *Ibid.* § 3.

Manner of obtaining a conveyance where a perſon having contracted in writing for the ſale of any real eſtate ſhall die ſeized, inteſtate, and without heirs of the whole or the half blood. 1785, ch. 78, § 1.

—— In caſe of contract and ſale of any real property by a Britiſh ſubject previous to the revolution. 1786, ch. 49, § 8.

Directions reſpecting ſuits in chancery againſt perſons reſiding out of the ſtate to compel a conveyance. April, 1787, ch. 30, § 2, 3.

Manner of decreeing a conveyance where a perſon ſeized of land contracts for the ſale thereof, and dies without performing the agreement, having deviſed or left the ſaid land to deſcend to an infant, idiot, &c. 1791, ch. 79, § 4.

Manner of decreeing a conveyance where any perſons, their heirs, deviſees or repreſentatives, are bound by contract, and are nonreſidents of this ſtate. November, 1792, ch. 41, § 2.

Manner of veſting the legal title and eſtate where a perſon having contracted for the ſale of lands, &c. and not having conveyed them, dies without leaving an heir known of and capable of inheriting his real eſtate. *Ibid.* § 4, 5.

Directions reſpecting the conveyance where an equitable intereſt is purchaſed under the decree of the chancellor. 1794, ch. 60, § 4, 5, 7, 10.

Conveyances by guardians, truſtees or committees, under a decree for partition, declared to be valid. *Ibid.* § 8.

Deeds or patents to be granted by the chancellor for lands purchaſed from the agents, or other perſons authoriſed for the ſtate. 1795, ch. 6, § 3.

CONVICTS.

In criminal proſecutions againſt convicts imported, the evidence of other convicts ſo imported ſhall be received and allowed. 1751, ch. 11, § 2.

—— Such witneſſes ſwearing falſely to ſuffer as in caſe of wilful and corrupt perjury. *Ibid.*

CORONERS.

Coroners exempted from attendance as jurors. 1715, ch. 37, § 4.

—— Penalty on profanely curſing or ſwearing before a coroner. 1723, ch. 16, § 2.

Manner of entering judgments againſt coroners on default for not bringing in perſons taken on execution, and of recovering thereon. 1768, ch. 10, § 1, 2.

—— Manner of entering judgments againſt them for failing to return any execution. 1794, ch. 54, § 1.

—— Manner of entering and recovering amerciaments and defaults againſt them on criminal proceedings. 1793, ch. 60.

—— Manner of entering judgments againſt them on amerciaments for not bringing in perſons taken on meſne proceſs, and of recovering thereon. 1794, ch. 54, § 2.

—— Judgments on amerciaments and defaults may be entered againſt them in court by one aſſociate juſtice. 1796, ch. 43, § 5.

The fees to coroners eſtabliſhed. November, 1779, ch. 25, § 5, 1790, ch. 59, § 2.

Directions to coroners in the return of jurors. 1797, ch. 87.

—— The oath therein preſcribed to be taken by them. *Ibid.* § 2.

Every coroner, after the firſt of April, 1798, and between the firſt of March and the firſt of April in every third year thereafter, ſhall, before he executes any civil proceſs, give bond, or enter into a recognizance to the ſtate, in the penalty of £.1000, with a condition well and truly to execute the office of coroner, &c. as therein preſcribed. 1797, ch. 95.

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—— Such bond or recognizance ſhall be entered into b and atteſted by, the chief juſtice of the diſtrict, or any aſſ juſtice of the county, with two ſufficient freeholders o county. *Ibid.*

To be delivered to the county clerk to be recorded. *Ib*

—— Their bond may be given at any time of the year in ſixty days from their appointment. 1799, ch. 91.

Duty of the coroners to ſerve any proceſs from the or court, and penalty on failure. 1798, No. 101, ch. 15, §

Form of commiſſions to coroners. February, 1777, ch. 5

Summonſes and executions may be iſſued to them fro county to another. October, 1777, ch. 12, § 1, 1794, c § 9.

Manner of recovering amerciaments againſt them in the cery court. 1785, ch. 72, § 23.

—— Proceedings againſt them on failing to make r therein. *Ibid.* § 24.

Directions reſpecting the ſervice by them of writs of re 1785, ch. 34, § 5.

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The charter of the city of Annapolis confirmed. 1708,

The rectors, governors, truſtees and viſitors, of the ſchools of Maryland. 1696, ch. 17.

The viſitors of the ſchools in every county. 1723, ch

The truſtees of the poor in the counties of Anne-A Prince-George's, Worceſter, Frederick and Charles. ch. 29.

The truſtees for the poor for Saint-Mary's county. N ber, 1773, ch. 18.

The truſtees for the poor of Baltimore county. *Ibid.*

The preſident and truſtees of the Lower-Marlborough my. October, 1778, ch. 16.

The viſitors and governors of Waſhington college in t of Maryland. April, 1782, ch. 8.

The proprietors of the Suſquehanna canal. November ch. 23.

The Patowmack company. 1784, ch. 33.

The viſitors and governors of Saint-John's college in t of Maryland. *Ibid.* ch. 37.

The corporation for the relief of the widows and chil the clergy of the proteſtant epiſcopal church in Maryland ch. 78.

The truſtees for the poor of Talbot county. 1785, c

Any of the ſtates to be recognized in this ſtate a body or corporate for proſecuting any action, &c. *Ibid.* ch.

The truſtees of the poor of Dorcheſter and Somerſe ties. *Ibid.* ch. 57.

The commiſſioners of Charles-town. 1786, ch. 32.

The commiſſioners of Frederick-town. *Ibid.* ch. 36.

The Baltimore inſurance fire company. April, 1787,

The truſtees of the poor for Kent county. November ch. 11.

The truſtees of the poor of Montgomery county. *Ibid.*

The truſtees of the poor of Harford county. *Ibid.*

The truſtees of the alms and work-houſe in Cæcil *Ibid.* ch. 18.

The truſtees for the poor of Caroline county. No 1788, ch. 14.

The truſtees for the poor of Queen-Anne's county ch. 15.

The preſident and directors of the bank of Maryland. ch. 5.

The truſtees for the poor of Calvert county. *Ibid.* c

The Maryland inſurance fire company. 1791, ch. 69

The George-town bridge company. *Ibid.* ch. 81.

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e Baltimore water company. November, 1792, ch. 11.
e corporation for the relief of the poor and diſtreſſed of
ſect or religious denomination whatever. *Ibid.* ch. 54.
e corporation of the Roman catholic clergymen. *Ibid.* ch. 55.
e preſident, directors and company, of the bank of Co-
. 1793, ch. 30.
e truſtees and governors of Cokeſbury college in the ſtate
aryland. 1794, ch. 26.
e Baltimore equitable ſociety for inſuring houſes from loſs
. *Ibid.* ch. 39.
e truſtees of the Roman catholic church in the town of
ore. 1795, ch. 15.
e elders, deacons and truſtees, of the German reformed
egation of Baltimore-town. *Ibid.* ch. 16.
e preſident, directors and company, of the bank of Balti-
Ibid. ch. 27.
e Baltimore inſurance company. *Ibid.* ch. 59.
e Maryland inſurance company. *Ibid.* ch. 60.
e Eaſtern Branch bridge company. *Ibid.* ch. 62.
itors of the free-ſchool of Anne-Arundel county. *Ibid.*

e charitable marine ſociety of Baltimore. 1796, ch. 2.
e Pocomoke company. *Ibid.* ch. 17.
e truſtees of Eden ſchool. *Ibid.* ch. 23.
e truſtees of the Roman catholic congregation worſhipping
church of Saint-Mary's in the vicinity of Bryan-town, in
e county. *Ibid.* ch. 38.
e preſident and directors of the Water-ſtreet bridge com-
Ibid. ch. 56.
e viſitors of Frederick county ſchool. *Ibid.* ch. 65.
e mayor and city council of Baltimore. *Ibid.* ch. 68.
e Somerſet library company. 1797, ch. 23.
e truſtees of the poor of Waſhington county. *Ibid.* ch. 34.
e library company of Baltimore. *Ibid.* ch. 35.
e elders, truſtees and members, of the German evangelical
d church in the city of Baltimore. *Ibid.* ch. 52.
e committee of the Preſbyterian church in the city of Bal-
Ibid. ch. 58.
e preſident, directors and company, of the Elizabeth-town
e road. *Ibid.* ch. 65.
e preſident, directors and company, of the Reiſter's-town
e roads. *Ibid.* ch. 70.
e Anacoſtia bridge company. *Ibid.* ch. 92.
e veſtrymen of every pariſh in this ſtate incorporated, by
me of The Veſtry of the Pariſh to which they ſeverally
. 1798, ch. 24, § 28.
e committee of the Baptiſt church in the city of Baltimore.
ch. 30.
e truſtees of Hillſborough ſchool in Caroline county. *Ibid.*

e viſitors of Allegany county ſchool. *Ibid.* ch. 58.
e truſtees of George-town ſchool. *Ibid.* ch. 78.
e George-town mutual inſurance company againſt fire on
e goods and furniture. *Ibid.* ch. 97.
e medical and chirurgical faculty of the ſtate of Maryland.
ch. 105.
e Cheſapeake and Delaware canal company. 1799, ch. 16.
e benevolent ſociety of the city and county of Baltimore.
ch. 44.
e truſtees of the Roman catholic church in Cobb Neck, in
er county. *Ibid.* ch. 53.
e truſtees of the academy at Eaſton, in Talbot county.
ch. 56.
miſſion may iſſue to mark and bound land held by bodies
and corporate, on application, notice, &c. as directed by
ch. 33. November, 1787, ch. 22.

CORPORATIONS.

The act for the ſuppreſſion of fairs not to affect any privilege granted to any body corporate in this ſtate. 1790, ch. 15, § 2.

Corporations reſtrained, (in the ſame manner as individuals,) from propoſing to the public any ſcheme of a lottery without the permiſſion of the legiſlature. November, 1792, ch. 58.

COSTS.

Directions reſpecting coſts on attachments. 1715, ch. 40, § 4.

—— Reſpecting coſts when the public or any county are proſecutors. 1716, ch. 1, § 7, 1742, ch. 10, § 5.

On a ſuit againſt a ſheriff ſelling a runaway ſlave, or the buyers thereof, under this act, the court, on nonſuit, ſhall award double coſts. 1719, ch. 2, § 3.

On diſcontinuance of action by default of the plaintiff, the court may award him to pay coſts, but if by default of the defendant, to give judgment for the plaintiff. 1721, ch. 14, § 2.

—— If through the negligence of the attorney, ſuch attorney to forfeit the ſum therein mentioned, and all coſts. *Ibid.*

Clerks, regiſters, &c. ſhall deliver to defendants, if required, full copies of all the coſts of ſuit recovered againſt them, under the penalty of 2000 lbs. of tobacco. 1731, ch. 15, § 3.

On verdict for defendant, or nonſuit, &c. in actions for any thing done under the act for the relief of the poor, treble coſts allowed. 1768, ch. 29, § 24.

—— If the plaintiff is unable to pay them, ſuch coſts to be paid by the attorney, unleſs the plaintiff gives ſecurity therefor, to be approved by the court. *Ibid.*

Double coſts ſhall be awarded in a ſuit againſt a ſheriff for refuſing or neglecting to deliver to a debtor requiring the ſame a fair account of the conſideration for which his bond, mortgage, &c. is taken. 1769, ch. 15, § 3.

—— The ſame for refuſing, (on the payment of fees,) to give a fair account, in words at length, of the ſervices done, and a receipt in writing. *Ibid.* § 4.

Directions for paying or ſecuring coſts in the chancery court on application for a rehearing. November, 1773, ch. 7, § 4.

—— Reſpecting coſts of executions iſſued to recover fines and forfeitures. February, 1777, ch. 6.

—— Reſpecting coſts in ſuits againſt public debtors. March, 1778, ch. 9, § 5, 7.

All coſts recovered by judgment or decree ſhall hereafter be payable and paid in money. November, 1779, ch. 25, § 15.

If any writ of replevin iſſued contrary to this act be ſerved, the court ſhall, on motion, at the firſt court, and inquiry in a ſummary manner, quaſh ſuch writ, and nonſuit the plaintiff, with treble coſts. 1785, ch. 34, § 6.

The allowance to commiſſioners, witneſſes, and the auditor in the chancery court, to be allowed in the coſts. *Ibid.* ch. 72, § 15, 16, 17, 18.

—— Directions reſpecting the coſts of demurrers and pleas in the chancery court. *Ibid.* § 25.

—— The taxes therein impoſed on proceedings, &c. in the chancery court and the land-office, to be taxed and paid as other coſts. November, 1792, ch. 76, § 3, 4.

On the appearance of the adminiſtrators, &c. in caſes that would have abated by the death of either party, the coſts before the death to be taxed as coſts in the action. 1785, ch. 80, § 1.

No adminiſtrator, &c. ſo appearing, to be burthened with debt or coſts, further than aſſets have come to his hands. *Ibid.*

When amendments in proceedings are allowed to be made, ſuch coſts ſhall be allowed to the adverſe party as the court ſhall think juſt. *Ibid.* § 4.

Manner of awarding and recovering coſts on appeals. *Ibid.* § 6, 1790, ch. 42.

The coſts and expences on controverted elections for ſheriffs ſhall be paid by ſuch party as the governor and council ſhall adjudge,

judge, on conſideration of the circumſtances of the caſe. 1786, ch. 22, § 3.

—— Such coſts and expences, on complaints againſt the officers of government, ſhall be paid by either party, or by the public, as the governor and council ſhall adjudge. *Ibid.*

—— The governor and council may compel payment in the like manner as the general court. *Ibid.*

Directions reſpecting coſts in ſuits by citizens againſt the ſtate. *Ibid.* ch. 53.

If the grounds alleged for continuance of a cauſe are overruled, the trial ſhall proceed, or the cauſe be diſcontinued, with coſts to the party requiring no delay. November, 1787, ch. 9, § 2.

—— Surveyors to pay the coſts of the term on neglecting to return plots in ejectments, where, for want thereof, the cauſes are continued. *Ibid.* § 4.

Directions reſpecting coſts in actions for battery or aſſault on officers in the lawful execution of their office, or on thoſe aſſiſting them. *Ibid.* ch. 39.

—— Reſpecting coſts in actions of replevin for property taken for public taxes. 1790, ch. 53, § 4.

The ſums paid for ſeals, decrees, &c. in the chancery and land-offices, to be taxed and paid as other coſts. November, 1792, ch. 76, § 3, 4.

On verdict for defendant, or nonſuit, in actions for any thing done under the militia law, treble coſts allowed. 1793, ch. 53, § 25.

On ſuits on adminiſtration, teſtamentary, inſpectors, collectors or ſheriffs bonds, the clerk ſhall, before iſſuing the writ, endorſe thereon the names of the parties at whoſe inſtance and for whoſe uſe the ſuit was inſtituted, who, in caſe of *non pros*, verdict, &c. ſhall be anſwerable for coſts. 1794, ch. 54, § 10.

—— Such perſons to be proceeded againſt by attachment as if they had been entered ſecurity for coſts. *Ibid.*

The judge of the land-office on the eaſtern ſhore empowered to compel the payment of coſts on the determination of a caveat. 1795, ch. 61, § 12.

In ſuits hereafter brought by nonreſidents of the ſtate, or by perſons who afterwards remove out of the ſtate, the defendant may lay a rule, (at or before the trial court,) on the plaintiff or his attorney, to give ſecurity for all coſts and charges, &c. and on failure, judgment of nonſuit may be entered. 1796, ch. 43, § 12.

—— If the rule is laid at the trial court, the cauſe may, on motion of the plaintiff, be continued till the next term. *Ibid.*

In actions entered on the record for the uſe of another perſon, if the plaintiff diſcontinues or ſtrikes off his action, or is nonſuit, or there ſhall be a judgment or verdict in favour of the defendant, the party for whoſe uſe the action was brought ſhall be anſwerable for the legal coſts, to be recovered by attachment as if he had been entered ſecurity. *Ibid.* § 13.

On an arreſt by *capias ad respondendum* contrary to this act, the plaintiff ſhall be nonſuit, and pay the defendant coſts, to be adjudged by the court. *Ibid.* § 15.

The taxes paid on ſuits in the county courts to be allowed in the coſts of ſuit. 1797, ch. 69.

On petitions for freedom thereafter inſtituted, where they ſhall be diſmiſſed, or on trial judgment be rendered againſt the petitioners, the attorney ſhall pay all legal coſts, unleſs the court ſhall be of opinion, under all circumſtances, that there was probable ground to ſuppoſe the petitioner had a right to freedom. 1796, ch. 67, § 25.

—— In caſes then depending, except on appeal, where others by the ſame parties had been diſmiſſed, proceedings to be ſtaid by the court till the coſts of ſuch former petitions, and all reaſonable expences, were paid. *Ibid.*

—— If not paid within ſix months, the defendants to charged from their recognizances, and the petitions di *Ibid.* § 26.

—— On a petition thereafter filed being diſmiſſed, a cond petition filed, proceedings to be ſtaid till the coſts former petition, and all reaſonable damages, &c. ſhall be ſecured. *Ibid.* § 27.

In ſuits for any thing done under the act for the valu property, the defendant, on a nonſuit, verdict, &c. aga plaintiff, may recover treble coſts. 1797, ch. 89, § 29.

The chancellor ſhall have power, as in the court of ch at his diſcretion, to award coſts to the party prevailing, deciſion of any caveat in the land-office. *Ibid.* ch. 114,

Directions reſpecting coſts in the orphans courts, where of adminiſtration are revoked. 1798, No. 101, ch. 5,

Executors and adminiſtrators bringing ſuits ſhall be enti or be anſwerable for, coſts, in the ſame manner as the d would have been. *Ibid.* ch. 8, § 5.

—— How to be allowed for coſts in the ſettlement accounts. *Ibid.*

—— How to be allowed for coſts laid out in the reco ſecurity of any part of the eſtate. *Ibid.* ch. 10, § 2.

Double coſts to be recovered in the action therein give executor or adminiſtrator againſt his ſecurity, after del the eſtate to him. *Ibid.* ch. 14, § 11.

The orphans courts may award coſts to the party thereto, and compel payment by attachment, &c. *Ibid.* § 17.

The ſtate not to pay coſts in the ſuits in chancery th lowed, unleſs by direction of the chancellor as therein me 1799, ch. 79, § 7, 8.

Directions reſpecting coſts in criminal caſes. No 1781, ch. 11, 1793, ch. 57, § 19.

Manner of chooſing the council to the governor. Co

The council may appoint their own clerk. *Ibid.*

The firſt named of the council ſhall, on the death, r on, &c. of the governor, act as governor, and call a me the general aſſembly. *Ibid.* 32.

The governor ſhall not command in perſon the forc the laws of this ſtate, unleſs adviſed thereto by the coun then only ſo long as they ſhall approve thereof. *Ibid.* 3

The firſt named of the council ſhall preſide in the ab the governor, and as ſuch ſhall vote in all caſes where t members diſagree in their opinion. *Ibid.* 34.

Vacancies in the council to be filled by the remaini bers. *Ibid.* 35.

The council ſhall have power to make the great ſea ſtate. *Ibid.* 36.

No member of the council, if he ſhall qualify as ſu hold or execute any office of profit, or receive the profi office exerciſed by any other perſon, during the time f he ſhall be elected. *Ibid.* 37.

Every member of the council, before he acts as ſu take an oath, that he will not receive, directly or indi any time, any part of the profits of any office held by a perſon during his acting in his office, or the profits, or of the profits, ariſing on any agency for the ſupply of or proviſions for the army or navy. *Ibid.* 38.

—— Puniſhment for their ſo holding or executing ſu *Ibid.* 39.

Every member of the council, before he acts as ſu take an oath, that he will not, through favour, affecti tiality, vote for any perſon to office, and that he wil ſuch perſon as in his judgment and conſcience he beli

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d beſt qualified for the office, and that he has not made, will make, any promiſe or engagement to give his vote or eſt in favour of any perſon. *Ibid.* 50.

e ſalaries of the members aſcertained for the year enſuing. ch. 2.

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niſhment for counterfeiting the ſeals of the then province. ch. 8.

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bounds of Saint-Mary's and Charles counties ſettled. ch. 13.

— Of Talbot and Kent counties. *Ibid.*

— Prince-George's county erected. *Ibid.*

— The ſame diviſions confirmed. 1704, ch. 92.

bounds and limits of Anne-Arundel and Baltimore coun- ttled. 1698, ch. 13, 1726, ch. 1.

ry county, lying on any navigable river, ſhall extend its tion from the ſhore to the channel of ſuch river that the county, and be divided from the other county by the of the ſaid river. 1704, ch. 92.

— Where any ſhip or veſſel ſhall ride at anchor in the of ſuch river, proceſs may be ſerved on board the ſaid the officer of either county that can firſt ſerve it, but moored by any hold on the land, ſhall be ſuppoſed to lie county to whoſe ſhore ſhe is faſtened, if moored. *Ibid.*

bounds of Talbot, Kent and Cæcil counties ſettled, and Anne's county conſtituted. 1706, ch. 3.

erſet county divided, and Worceſter county erected. ch. 19.

of Prince-George's county taken off and added to Charles 1748, ch. 14.

e-George's county divided, and Frederick county erected. 15.

diviſion between Baltimore and Frederick counties ſet- 1750, ch. 13.

diviſion between Dorcheſter and Worceſter counties ſet- *Ibid.*

more county divided, and Harford county erected. No- 1773, ch. 6.

heſter and Queen-Anne's county divided, and Caroline erected. *Ibid.* ch. 10.

diviſional line between Anne-Arundel and Calvert coun- rtained and eſtabliſhed. October, 1777, ch. 7.

hington county * divided, and Allegany county erected. ch. 29.

enas for witneſſes, and executions, may be iſſued from nty to any other. October, 1777, ch. 12, 1794, 9.

er of trial where a mortal ſtroke is given in one county, th enſues in another. 1789, ch. 22, § 4. HOMICIDE.

tions for rebuilding or repairing bridges where two or unties are divided by water. 1794, ch. 53, § 5, 6.

er of condemning land for the uſe of ferries, to become perty of a county. 1799, ch. 83, § 5.

ſhington county was erected, together with Montgomery county, diviſion of Frederick county, by reſolves of the convention on of September, 1776.

COUNTY CHARGES.

ſtards of Engliſh weights and meaſures to be completed at the county charge. 1715, ch. 10, § 2.

COUNTY CHARGES.

An aſſeſſment or rate, ſufficient to defray the county charges, to be impoſed by the levy courts on all property within the ſeveral counties, and to be collected by perſons appointed by the ſaid courts. 1794, ch. 53, § 1.

— Mode of collection and recovery. *Ibid.* § 2, 1797, ch. 43, ch. 90.

— Mode of recovering money received for the uſe of the poor. 1794, ch. 53, § 3.

See LEVY COURTS.

Acts reſpecting the collection of the county charges in Allegany county. 1796, ch. 8, 1799, ch, 74.

An act to alter the mode of collecting the county tax in Cæcil county. 1797, ch. 59.

COUNTY CLERKS.

See CLERKS.

COUNTY COURTS.

Their power reſpecting the bounds of pariſhes. 1713, ch. 10.

— Reſpecting the ſtandard of weights and meaſures. 1715, ch. 10.

— Reſpecting witneſſes and jurors. *Ibid.* ch. 37.

— Reſpecting rules and orders for regulating the courts. *Ibid.* ch. 41, § 2.

— Reſpecting the importation of the Britiſh Statutes and Dalton's Juſtice. *Ibid.* § 1.

— Reſpecting the admiſſion of attornies. *Ibid.* ch. 48, § 12.

— Reſpecting the ſuſpenſion or fining of them. 1719, ch. 4, § 2.

— Reſpecting attornies neglecting their clients cauſes. 1722, ch. 12, § 4.

— Reſpecting runaways. 1715, ch. 44, § 2, 3.

— Reſpecting complaints between maſters and ſervants. *Ibid.* § 30, 31.

— Reſpecting the harbourers of ſervants and ſlaves. *Ibid.* ch. 44, 1748, ch. 19.

— Their power to diſpoſe of the times of ſervitude of white perſons having mulatto children. 1715, ch. 44, § 25, 26, 27.

— Their power reſpecting the tumultuous meetings of negroes and other ſlaves. 1723, ch. 15, § 2.

— Reſpecting ſervants and ſlaves. 1750, ch. 5, § 3.

— Reſpecting the trial of ſlaves. 1751, ch. 14.

— Reſpecting the puniſhment of ſlaves guilty of rambling. *Ibid.* § 8.

— Reſpecting ſpecial bail. 1715, ch. 28, § 7, October, 1778, ch. 21, § 5.

Directions reſpecting the iſſuing of criminal proceſs. 1715, ch. 48, 1722, ch. 5.

— Reſpecting the iſſuing of executions from one county to another. 1715, ch. 41, § 8, October, 1777, ch. 12, 1794, ch. 54, § 9, 1795, ch. 23.

— Reſpecting the county clerks bonds. 1716, ch. 1, 1742, ch. 10.

Directions reſpecting the recording of conveyances therein. 1715, ch. 47, November, 1766, ch. 14, 1785, ch. 9.

Any perſons may order out proceſs in their own names, and when ſued may appear in perſon and imparle, or confeſs judgement. 1716, ch. 20, § 2.

— Reſpecting perſons behaving indecently towards juſtices of the peace. 1719, ch. 4, § 3.

Power of the county courts reſpecting the gauge of barrels. 1745, ch. 15, § 10.

— To appoint the time when their clerks are to attend at the court-houſes. 1748, ch. 7, § 3, 4.

I N D E X.

COUNTY COURTS.

—— To iſſue commiſſions to perpetuate the boundaries of lands. 1723, ch. 8, § 2, 3, 4.

—— To iſſue commiſſions for marking and bounding lands. 1786, ch. 33, November, 1787, ch. 22, 1793, ch. 70.

—— Their power reſpecting injunction bonds. 1723, ch. 8, § 5.

Equity juriſdiction of the county courts. 1763, ch. 23, 1791, ch. 78, November, 1792, ch. 63.

Power of the county courts to iſſue commiſſions for taking depoſitions. November, 1773, ch. 7, § 7.

Fines and forfeitures, when to be recovered in the county courts. February, 1777, ch. 6.

—— To iſſue ſubpœnas for witneſſes reſiding in other counties. October, 1777, ch. 12, 1795, ch. 23.

—— Their power reſpecting inſolvent debtors. 1774, ch. 28, § 8, 9.

Directions reſpecting challenges to jurors. October, 1778, ch. 21, § 1, 2, 3.

—— Reſpecting awards. *Ibid.* § 8, 9, 10, 12.

—— Reſpecting writs of *habeas corpus*. *Ibid.* § 11, July, 1779, ch. 4, 1785, ch. 87, § 5, 1798, ch. 106.

Fees allowed in the county courts. November, 1779, ch. 25, § 3.

—— For chancery proceedings therein. *Ibid.*

Power of the county courts reſpecting licences to ordinary-keepers, and eſtabliſhing their rates. March, 1780, ch. 24, 1791, ch. 58.

—— To grant licences for keeping ferries, and aſcertaining the rates, &c. November, 1781, ch. 22, April, 1782, ch. 31, 1791, ch. 65, 1799, ch. 83.

—— To grant licences to hawkers and pedlers. 1784, ch. 7, § 6, ch. 37, § 23.

—— To grant licences to retailers of ſpirituous liquors. 1784, ch. 7, § 8, ch. 37, § 25, April, 1792, ch. 7.

Fines to be impoſed on jurors and witneſſes neglecting to appear when ſummoned. April, 1782, ch. 40, § 1.

The governor and council empowered to remit forfeited recognizances and certain fines, on the caſes of the perſons being ſtated by the court, and on their recommendation. April, 1782, ch. 42.

Power of the county courts reſpecting illegitimate children. November, 1781, ch. 13, 1785, ch. 47, 1796, ch. 34.

Any perſons may proſecute in the county courts where the defendants reſide any actions or ſuits at law whatſoever. 1785, ch. 87, § 1.

—— The juriſdiction of the county courts not to extend to caſes within the juriſdiction given to juſtices of the peace out of court, which ſhall not exceed £. 10 0 0, or 1000 lbs. of tobacco, the act to extend only to debts or money or tobacco due on contract, and to damages for the non-delivery of grain, &c. contracted to be delivered. 1791, ch. 68, § 9, 10.

—— Directions reſpecting ſuits for treſpaſſes where the party has removed. 1785, ch. 87, § 4.

—— An appeal allowed from any action or proſecution in the county courts to the general court. *Ibid.* § 6.

The county courts empowered to try perſons for any offence, unleſs in caſes particularly directed by law to be tried in the general court. *Ibid.* § 7.

—— Proviſion for removing ſuch proſecutions. *Ibid.* § 8.

Power of the county courts reſpecting private roads. 1785, ch. 49, 1790, ch. 50, § 2.

—— Reſpecting the valuation and diviſion of lands, &c. under the act to direct deſcents, and its ſupplements. 1786, ch. 45, 1797, ch. 114, 1799, ch. 49.

—— As to complaints againſt inſpectors of tobacco. 1789, ch. 26, § 41.

COUNTY COURTS.

Regiſters of wills not to practiſe as attornies in their 1786, ch. 10.

Regulations reſpecting appeals from the county to the courts. 1790, ch. 42, § 2, 4.

—— Reſpecting appeals from the judgment of a ſingle trate to the county courts. 1791, ch. 68, § 4, 5.

Attachments from a ſingle magiſtrate to compel the ance of witneſſes to be returnable to the county courts. § 8.

Power of the county courts on complaints between and apprentices. 1793, ch. 45, § 7, 9, 16.

An appeal given to the county courts on a ſeizure of under the militia law. *Ibid.* ch. 53, § 21.

Power of the county courts reſpecting writs of inquiry ch. 46, § 2.

—— Reſpecting public roads. *Ibid.* ch. 52.

—— Reſpecting the county charges. *Ibid.* ch. 53.

Regulations reſpecting attachments. 1795, ch. 56.

—— Reſpecting coſts on caveats in the land-office eaſtern ſhore. *Ibid.* ch. 61, § 12.

The ſtate divided into five diſtricts, the diſtricts nu and directions as to the counties to be compriſed in each ch. 43, § 2.

—— Two courts to be held in each county in ev *Ibid.* § 3.

—— The time of holding them preſcribed. *Ibid.*

—— Manner of appointing the chief juſtice and two juſtices of each court. 1790, ch. 33, § 4, 1796, ch. 43,

—— Form of commiſſions to the juſtices. Februar ch. 5.

—— The ſaid courts, or the chief juſtice alone, o aſſociate juſtices, to have the ſame power, duties, &c. veſted in the county courts, except in caſes thereafter 1796, ch. 43, § 5.

—— The county courts to be compoſed of the chi of the diſtrict, and the two aſſociate juſtices in their *Ibid.*

—— Powers given to one aſſociate. *Ibid.*

—— Power of the court reſpecting the producing books, or compelling anſwers to bills for diſcovery.

—— The juſtices not to act as attornies or ſolicito § 8.

Directions for the return of cauſes, pleas, &c. th county courts. *Ibid.* § 9.

—— For teſting and returning writs. *Ibid.*

—— For returning commitments and recognizanc § 10.

—— Reſpecting the continuance of ſuits. *Ibid.* § ch. 80, § 11, November, 1787, ch. 9.

—— Reſpecting ſecurity for coſts. 1796, ch. 43,

—— Reſpecting the payment of coſts by the equit tiffs. *Ibid.* § 13.

—— Reſpecting arreſts on perſons out of the coun § 14, 15.

Oaths to be taken by the juſtices. *Ibid.* § 17.

Judgments out of court before the chief juſtice or a juſtice by confeſſion, or *non sum informatus*, ſhall be if entered in court. *Ibid.* § 20.

Compenſation allowed to the chief juſtice. *Ibid.* § ch. 69, § 2.

—— To the aſſociate juſtices. 1796, ch. 43, § ch. 90.

Proviſion made where matters were enjoined to months different from thoſe herein appointed, and courts ſtood adjourned to different times. 1796, ch 27.

COUNTY COURTS.

...es impoſed on certain proceſs. *Ibid.* § 28, 29.
...wer of the county courts reſpecting ſlaves ſuffered to re... at large, begging, &c. *Ibid.* ch. 67, § 17.
...ſons giving paſſes to ſlaves, or aſſiſting to tranſport them ...the ſtate, &c. may be fined by the county courts. *Ibid.* § 19.
...itions for freedom to originate only in the county courts ...the petitioners reſide. *Ibid.* § 21.
... Appeals therefrom regulated. *Ibid.* § 23.
...e courts directed to give this act in charge to the grand ... *Ibid.* § 28.
...gulations reſpecting the return of jurors. 1797, ch. 87, § 8.
...e county courts empowered, on application, to iſſue their ...of *habeas corpus*, and cauſe to be brought before them ...s confined, to inquire into the cauſes thereof, and to diſ..., admit to bail, or commit ſuch perſons, as is practiſed by ...ges of the general court. 1798, ch. 106.
...e county courts directed to meet between the fifteenth of ...nd the fifteenth of Auguſt, 1800, to appoint judges of ...ctions. 1799, ch. 50, § 3.
... They ſhall, every year thereafter, at their ſpring term, ...the ſaid judges. *Ibid.*
... They may, in caſe of vacancy by death, &c. appoint a ...at any meeting thereafter. *Ibid.*
... Two or more judges of the court to be a *quorum*, but ...meeting ſhould not agree, they ſhall caſt lots. *Ibid.*
...county courts to give this act in charge to the grand ...the courts next after the election. *Ibid.* § 24.

COURTS.

...ves of the conventions for preventing ſuits, repealed, and ...n given to commence actions, &c. after the firſt of July, ... February, 1777, ch. 15, § 2.
... Any juſtice of the peace empowered to grant licences to ...tions before that time. *Ibid.* § 11.
...ations reſpecting the times limitted for bringing actions. ..., October, 1780, ch. 5, April, 1782, ch. 55, § 5.
...for the amendment of the law. November, 1773, ch. 7, ... 1778, ch. 21, ch. 22, 1785, ch. 80.
...tions reſpecting forfeited recognizances, &c. April, ...h. 42.
...r of the courts to continue cauſes. 1785, ch. 80, § 11, ...er, 1787, ch. 9, 1794, ch. 6.
... Their power reſpecting jurors. February, 1777, ch. 15, ...pril, 1782, ch. 40, 1797, ch. 87.
... Reſpecting witneſſes. April, 1782, ch. 40, § 1, 1789, ...§ 7.
...tions for iſſuing executions on the order of the preſident ...nk of Maryland. 1790, ch. 5, § 13.
... The ſame as to the bank of Columbia. 1793, ch. 30,

...t not meeting at the time preſcribed may be adjourned ...clerks or regiſters from day to day, till a meeting of the ...r juſtices can be had. 1795, ch. 55.
...tions reſpecting attachments againſt nonreſidents, &c. ...h. 56.
...tors and adminiſtrators bound to diſcover what judge... decrees have paſſed againſt the deceaſed in the general ...e chancery court, or the county court where he laſt ... 1798, No. 101, ch. 8, § 17.
...e or iſſues may be made up by the orphans courts, and ...y court of law for trial. *Ibid.* ch. 15, § 17.

COURT-HOUSES.

...es of lands under 1697, ch. 5, recorded, &c. to be a ...of the perſons ſelling and thoſe claiming under them. ...76, § 1, 2.

COURT-HOUSES.

Acts reſpecting the court-houſe in different counties, to wit:
In Dorcheſter. 1704, ch. 76, § 3.
In Kent. 1796, ch. 29.
In Talbot. 1789, ch. 36, 1791, ch. 4, ch. 28.
In Queen-Anne's. April, 1782, ch. 4, November, 1788, ch. 29, 1789, ch. 25, 1790, ch. 40, 1791, ch. 38.
In Prince-George's. 1798, ch. 104, 1799, ch. 62.
In Baltimore. 1724, ch. 16, 1784, ch. 18.
In Calvert. 1725, ch. 11, 1728, ch. 17.
In Charles. 1727, ch. 11.
In Somerſet. 1742, ch. 19.
In Worceſter. *Ibid.*
In Frederick. 1748, ch. 15.
In Cæcil. 1786, ch. 20, 1789, ch. 17, 1791, ch. 3, 1794, ch. 28.
In Harford. 1786, ch. 24.
In Caroline. 1790, ch. 11, 1794, ch. 50.
In Allegany. 1793, ch. 17.
Puniſhment for burning of court-houſes. 1720, ch. 25.
The levy courts empowered to aſſeſs yearly, for repairs to the court-houſes of their reſpective counties, not exceeding £. 100 in one year. 1794, ch. 53, § 4.

COURT-MARTIAL.

The governor empowered to ſuſpend or remove any militia officer in purſuance of the ſentence of a court-martial. Conſt. 48.
For the powers of courts-martial, ſee MILITIA.

CREDIT.

—— When to be given on ſales by decree of the chancery court. 1785, ch. 72, § 3 to 9, 1790, ch. 60, 1794, ch. 60.
—— To be given by the direction of the orphans courts on ſales by executors or adminiſtrators. 1798, No. 101, ch. 8, § 3.
—— On ſales by guardians. *Ibid.* ch. 12, § 12.

CREDITORS.

Notice to be given to creditors, or their attornies, where property is ſhewn on a writ of *fieri facias*. 1716, ch. 16, § 2.
—— Directions for delivering ſuch property to them. *Ibid.*
—— Reſpecting the creditors of an inſolvent debtor petitioning to juſtices of the peace. 1774, ch. 28.
See INSOLVENT DEBTORS.
Evidence required from creditors on bringing ſuits. 1785, ch. 46.
See EVIDENCE.
Proviſion made for the payment of creditors by mortgage, or the creditors of deceaſed perſons, by decree of the chancellor. 1785, ch. 72, § 1 to 9, ch. 78, 1789, ch. 46, 1790, ch. 38, 1794, ch. 60, 1795, ch. 88, § 2, 3, 1797, ch. 113, ch. 114.
Creditors, after the date of a deed not recorded in time, ſhall not be affected by a decree to record ſuch deed. 1785, ch. 72, § 11.
If there be no relations, adminiſtration of an inteſtate's eſtate ſhall be given to the largeſt creditor applying. 1798, No. 101, ch. 5, § 22.
—— Directions reſpecting payment to the creditors of a deceaſed perſon. *Ibid.* ch. 8, § 10, 17, ch. 9, § 2, 3, 5, ch. 14, § 12.
See ADMINISTRATORS.

CRIMES AND PUNISHMENTS.

Sanguinary laws ought to be avoided, as far as is conſiſtent with the ſafety of the ſtate; and no law to inflict cruel and unuſual pains and penalties ought to be made, in any caſe, or at any time hereafter. Decl. 14.

I N D E X.

CRIMES AND PUNISHMENTS.

Retroſpective laws, puniſhing facts committed before the exiſtence of ſuch laws, and by them only declared criminal, are oppreſſive, unjuſt, and incompatible with liberty; wherefore no *ex poſt facto* law ought to be made. *Ibid.* 15.

No law to attaint particular perſons of treaſon or felony, ought to be made in any caſe, or at any time hereafter. *Ibid.* 16.

There ought to be no forfeiture of any part of the eſtate of any perſon for any crime except murder, or treaſon againſt the ſtate, and then only on conviction and attainder. *Ibid.* 24.

In all criminal proſecutions every man hath a right to be informed of the accuſation againſt him, to have a copy of the indictment or charge againſt him in due time, (if required,) to prepare for his defence, to be allowed counſel, to be confronted with the witneſſes againſt him, to have proceſs for his witneſſes, to examine the witneſſes for and againſt him on oath, and to a ſpeedy trial by an impartial jury, without whoſe unanimous conſent he ought not to be found guilty. *Ibid.* 19.

Puniſhment for perjury. 1692, ch. 16.

—— For forging or counterfeiting coins. 1707, ch. 4, 1729, ch. 2.

—— For wilfully and corruptly embezzling, impairing, razing or altering, any will or record as therein mentioned. 1715, ch. 11.

—— For thieving and ſtealing goods and chattels not above the value of 1000 lbs. tobacco. 1715, ch. 26, § 1, 2.

—— For receiving ſuch goods, or aſſiſting the party ſtealing. *Ibid.*

—— For killing ſwine as therein mentioned. *Ibid.* § 5.

—— For diſfiguring the marks of ſuch ſwine. *Ibid.* § 6.

—— Of ſervants purloining their maſters goods. *Ibid.* ch. 44, § 33.

—— For pilfering by negroes. 1717, ch. 13, § 6.

—— For wilfully burning any court-houſe in the ſtate where any records are actually or uſually kept. 1720, ch. 25.

—— For blaſphemy. 1723, ch. 16, § 13.

Puniſhment of negroes or other ſlaves for petit treaſon, murder, or wilfully burning of dwelling-houſes. 1729, ch. 4, § 1, 2.

—— Of perſons breaking into any ſhop, ſtore-houſe or warehouſe, although not contiguous to or uſed with any manſion-houſe, and ſtealing from thence goods to the value of 5*ſ.* *Ibid.* § 3.

—— Of perſons breaking any tobacco-houſe, or other out-houſes whatever, and ſtealing from thence any goods, &c. to the value of 5*ſ.* ſterling, and their acceſſories. 1737, ch. 2, § 2, 3.

—— Of perſons ſtealing any ſhip, ſloop or other veſſel whatſoever, as therein mentioned, or ſtealing any negro or other ſlave, and their acceſſories. *Ibid.* § 4.

—— Of perſons cutting or deſtroying tobacco plants belonging to any other perſon, or cauſing the ſame. 1744, ch. 5, § 2.

—— Of perſons wilfully burning any tobacco-houſe having tobacco therein, and their acceſſories. *Ibid.* § 3.

—— Of horſe-ſtealers, and their acceſſories. *Ibid.* ch. 20, § 1, 1799, ch. 61.

—— Of perſons deſignedly burning any ſhip, &c. and their acceſſories. 1744, ch. 20, § 2.

—— Of ſlaves conſulting, &c. to raiſe any inſurrection, or to murder or poiſon any perſon, or to commit a rape upon any white woman, or to burn any houſe or houſes. 1751, ch. 14, § 2.

—— Of ſlaves attempting to burn any dwelling-houſe, or any other houſe wherein there ſhall be any perſon or perſons, or any goods, &c. *Ibid.* § 3.

—— Of ſlaves giving falſe teſtimony therein. *Ibid.* § 5.

—— Of ſlaves rambling, &c. or running away. *Ibid.* § 8.

The teſtimony of convicted perſons made legal againſt convicted perſons. *Ibid.* ch. 11.

CRIMES AND PUNISHMENTS.

The general court may determine, on indictment or pe
the validity of any marriage. February, 1777, ch. 12, §

Puniſhment of perſons deſtroying magazines of proviſion
belonging to this ſtate or the United States. October,
ch. 1.

—— Of perſons deſtroying veſſels belonging to this ſt
the United States, &c. *Ibid.*

Puniſhment for forging certificates under the act for
out of circulation certain bills of credit. November,
ch. 38, § 8.

The juſtices of the county courts empowered, (unleſs i
particularly directed by law to be tried in the general cou
try all perſons who have committed or ſhall commit any
or crime whatever. 1785, ch. 87, § 7.

—— But every perſon charged with a capital crime,
as will ſubject him on conviction to an infamous puniſ
ſhall have a right, on application to any judge of the
court, or any two juſtices of the county court, to an *habe
pus cum cauſa*, to be tried in the general court. *Ibid.* §

—— The proſecution may be removed by *certiorari*,
ſuggeſtion of the party or the ſtate. 1790, ch. 50, § 2.

The governor enabled to iſſue commiſſions of oyer and
ner. November, 1787, ch. 1.

The general court not to have juriſdiction over any o
crimes or miſdemeanors whatſoever, except treaſons, miſ
of treaſon, murders, felonies and inſurrections, but other
&c. to be tried in the county courts. 1790, ch. 50, §

—— A proviſo made for removing ſuch proſecutions
general court by either party. *Ibid.* § 2.

The governor and council directed to iſſue a commiſſion
perſon of integrity, experience and found legal knowle
be chief juſtice of the court of oyer and terminer and
livery for Baltimore county, and to two other perſons of
ty, experience and knowledge, to be aſſociate juſtices of
court. 1799, ch. 58, § 1.

—— To hold their commiſſions during good be
Ibid.

—— Hereafter all crimes, &c. committed in Baltimo
ty or city, and not particularly directed by law to be trie
general court, ſhall be tried before the ſaid three perſons
two of them, in court ſitting. *Ibid.*

—— Each juſtice conſtituted a juſtice of the peace,
have juriſdiction as ſuch in all criminal caſes. *Ibid.*

—— Proviſion for filling vacancies by death, &c. of
ciate juſtices. *Ibid.*

Indictments ſhall not be removed at the inſtance of t
proſecuted without the leave of the ſaid juſtices, or the
order of the general court, or ſome one of the judges.

All cauſes, &c. depending in the court, under th
1798, ch. 65, to be heard before this court. *Ibid.* § 2.

The times of holding the court preſcribed, and ſuc
directed to be inſerted in the commiſſion. *Ibid.* § 3.

The clerk of Baltimore county court to be clerk of th
and to tranſact the buſineſs thereof in the uſual manner.

Any one of the juſtices

—— May call and hold the court, and adjourn from
day,

—— May empannel and charge the grand jury,

—— May direct proceſs to iſſue on any preſentmen
dictment, or on any petition or complaint,

—— May direct ſubpœnas for witneſſes, or attach
contempt, againſt witneſſes or jurors, for non-attendanc

—— May direct witneſſes to be ſworn to the grand

—— May receive any preſentment or indictment,

—— May take recognizance for the appearance of
or any perſon preſented,

CRIMES AND PUNISHMENTS.

— May commit any perſon preſented or indicted for want ſecurity. *Ibid.* § 4.
— two of the juſtices may adjourn to any time they may proper. *Ibid.*
rections for ſummoning jurors. *Ibid.* § 5.
— Their allowance. *Ibid.*
— For returning recognizances, &c. *Ibid.* § 6.
witneſſes not attending may be fined and attached. *Ibid.* § 7.
— Allowance to witneſſes. *Ibid.* § 8.
e trial and cognizance of all criminal offences and other ers, ariſing within the county and city of Baltimore, which held by the court under the act of 1793, ch. 57, reſpecting niſhment of criminals, ſhall be heard by the court con- ed by this act. *Ibid.* § 9.
— But not to leſſen or impair the juriſdiction of the gene- urt in any criminal matter wherein the ſaid juriſdiction is rent with that of the county courts. *Ibid.*
penſation to the chief juſtice, and to the aſſociate juſtices. § 10.
ences under this act to be a common charge on the county y of Baltimore, and to be levied as heretofore. *Ibid.* § 11.
e court may paſs ſuch judgment as the law requires, or e any free male perſon, or any male ſervant or apprentice, e and labour, not exceeding ſeven years, on the public f Baltimore county, or in the ſtreets or baſon of Balti- f convicted of any of the following crimes, to wit:
felony, with or without benefit of clergy,
ſlaughter,
larceny,
aſſault, with an intent to rob, murder or commit a rape,
ary,
king a dwelling-houſe in the day-time, with an intent to or commit a felony therein,
king a ſtore-houſe, warehouſe or other out-houſe, in the night, with the ſaid intent,
iving ſtolen goods, knowing them to be ſtolen,
ery, or perjury at common law, or by act of aſſembly, or ute introduced into this ſtate before the 4th day of 776,
rnation of perjury,
ing acceſſory to any of the ſaid crimes, to which, by re can be an acceſſory. 1793, ch. 57, § 10.
Directions for confining, employing and puniſhing, the inals. *Ibid.*
Females guilty of the ſaid crimes may be puniſhed as requires, or by labour, not exceeding ſeven years, in e of confinement. *Ibid.* § 11.
Directions for confining, employing and puniſhing them.

s who ſhall,
On purpoſe, and of malice aforethought, unlawfully cut iſable the tongue,
Put out an eye,
Slit the noſe,
Cut off the noſe or lip,
t off or diſable any limb or member of any perſon, with t in ſo doing to maim or diſfigure, ſhall, with their s, be declared felons, and puniſhed with death as in ithout benefit of clergy, or may be adjudged to ſerve r as aforeſaid. *Ibid.* § 12.
nviction of a ſlave
of any of the crimes above enumerated, and for which would be liable to ſuffer death,
of wilfully burning any dwelling-houſe, or
of any of the crimes enumerated in the act of 1751,

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The ſaid juſtices ſhall paſs ſentence of death only, or they may, in their diſcretion, adjudge ſuch ſlave to ſerve and labour, not exceeding fourteen years, on the roads, &c. as aforeſaid. *Ibid.* § 13.
Directions for valuing ſuch ſlaves or ſervants, aſſeſſing the value on the county, and paying the ſame to the owner. *Ibid.*
—— Slaves or ſervants, ſurviving the time of their conviction, to be ſold for the uſe of the county. *Ibid.*
—— Servants not to be ſold for a longer time than remained unexpired at the time of their being ſo adjudged. *Ibid.*
The time of ſervice of criminals running away ſhall be extended, not exceeding one year for each time. *Ibid.* § 14.
If any criminal ſhall actually ſerve and labour the full time appointed, ſuch ſervice and labour ſhall have the effect of a pardon, to all intents and purpoſes, for the crime for which ſuch criminal was convicted. *Ibid.* § 15.
Directions for ſelling perſons committed for non-payment of any penalty, fine or forfeiture, in the caſes therein mentioned. *Ibid.* § 16.
Power of the juſtices reſpecting complaints between maſters, ſervants and apprentices. *Ibid.* § 17.
One of the juſtices may, in or out of court, accept the ſurrender up of the principal, by the ſecurity in a recognizance, and may take other ſecurity, or commit the principal to gaol. *Ibid.* § 18.
Any perſon preſented or indicted may ſubmit to the court, and ſhall not be compelled to the expence of a trial by jury, provided that ſuch ſubmiſſion ſhall always be deemed ſo far an admiſſion of the crime or offence as to render the perſon ſubmitting liable to the coſts of the proſecution. *Ibid.* § 19.
Directions for binding out the children of perſons convicted. *Ibid.* § 20.
Power of the juſtices reſpecting complaints of ſailors and mariners againſt each other for breaches of the peace. *Ibid.* § 22.
Directions reſpecting the appointment of conſtables. *Ibid.* § 26.
The general court, and every county court, (except that of Baltimore,) ſhall have the ſame power, and may paſs judgment in the ſame manner againſt any criminal convicted before them for any of the crimes herein before enumerated, as is given to the juſtices aforeſaid. *Ibid.* § 28.
—— Slaves or ſervants ſo convicted to be valued. *Ibid.*
—— If in the general court, ſuch value to be paid by the treaſurer. *Ibid.*
—— If in the county court, to be aſſeſſed on the county. *Ibid.*
—— The general court may order any criminal convicted to be conveyed at the expence of the ſtate, and delivered to the perſon appointed to take care of the criminals in Baltimore county, the ſtate engaging to pay £. 5 0 0 for each. *Ibid.*
—— The county courts to have them ſo conveyed and delivered at the county expence, and to pay £. 5 0 0 for each, when delivered. *Ibid.*
—— Criminals ſo conveyed to be ſubject to the ſame regulations as thoſe from Baltimore. *Ibid.*
—— The county courts may adjudge ſuch free male criminals to work, not exceeding ſeven years, and ſlaves not exceeding fourteen years, on the public roads of their county. *Ibid.*
—— They may adjudge any free female criminal to work, not exceeding ſeven years, in the work-houſe of their county, or other place of confinement, and in ſuch caſes may make proviſion for their employment, and the expence thereof. *Ibid.*
—— Slaves or ſervants ſo convicted ſhall, if they ſurvive the time of their conviction, be ſold for the uſe of the ſtate or the county, as the caſe may be. *Ibid.* § 29.

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Proviſion made for ſummoning witneſſes from other counties. *Ibid.* § 30.

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Mode of trial in the caſes of homicide therein mentioned. 1789, ch. 22.

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Puniſhment for forging any manifeſt or note of an inſpector of tobacco, or altering the quantity, &c. *Ibid.* ch. 26, § 36.

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—— For ſo carrying out any negro or mulatto entitled to freedom at a certain age, and ſelling them for life. *Ibid.*

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The governor may grant reprieves or pardons for any crime except in ſuch caſes where the law ſhall otherwiſe direct. Conſt. 33.

No *nolle prosequi* ſhall be granted by the governor in caſe of any proſecution by preſentment or indictment for the recovery of any fine, penalty or forfeiture only. April, 1782, ch. 42, § 4.

The governor may, in his diſcretion, grant to any offender capitally convicted, a pardon, on condition contained therein, and ſuch condition is and ſhall be effectual as a condition according to the intent thereof. November, 1787, ch. 17, § 2.

—— Directions for tranſporting and ſelling ſlaves when ſuch is the condition of their pardon. *Ibid.* § 3.

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The governor ſhall have full authority, whenever ſentence of death is pronounced againſt any criminal by the judgment of any court of this ſtate, to iſſue, under his hand, a warrant to the ſheriff of the county to execute the ſaid judgment at ſuch time as he ſhall therein appoint. 1795, ch. 82, § 1.

The governor ſhall, in his diſcretion, commute or change any ſentence or judgment of death paſſed on any criminal by any court of this ſtate into other puniſhment of labour, or to baniſhment of ſuch criminal from this ſtate, upon ſuch terms and conditions, and for ſuch period, as he ſhall think expedient, and if ſuch criminal be a ſlave, to commute or change the ſaid judgement into tranſportation and ſale in ſome foreign country for the benefit of the ſtate. *Ibid.* § 2.

The governor ſhall have full power and authority, in granting any *nolle prosequi*, before ſentence or judgment, to grant the ſame on ſuch conditions, and under ſuch limitations and reſtrictions therein contained, as in his diſcretion may appear moſt adviſeable to preſerve and ſecure the peace and good government of this ſtate. *Ibid.* § 3.

Perſons convict of any crime rendering them infamous according to law, ſhall not be executors or adminiſtrators. 1798, No. 101, ch. 4, § 1, ch. 5, § 1.

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In caſe any ſheriff or coroner ſhall be called upon by the general or county court, to bring before them any defendant before arreſted by them, according to their return of any writ of execution, and ſhall not bring into court ſuch defendant, the court may, on motion, direct judgment to be entered in the name of the plaintiff againſt ſuch ſheriff or coroner for the ſum and coſts recovered againſt the perſon taken on execution, which ſhall have the force and effect of judgments on verdict. 1768, ch. 10, § 1.

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—— Where any ſheriff or coroner ſhall pay to the plaintiff any judgment rendered againſt him in virtue of this act, or for a default upon any execution, ſuch ſheriff or coroner ſhall thereupon immediately become entitled to the judgment as fully as the plaintiff was, and may iſſue execution in his own name, or in the name of the plaintiff, upon ſuch judgment, for his own uſe. 1794, ch. 54, § 3.

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DEFAULT.

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—— Manner of chooſing the houſe of delegates. Conſt 6, 1798, ch. 115, 1799, ch. 48, ch. 50.

—— Qualification of the members. Conſt. 2, 1791, November, 1792, ch. 22.

—— Directions for filling vacancies. Conſt. 7, 1798, c 1799, ch. 48, ch. 50, § 6.

Not leſs than a majority of the delegates, with their (to be choſen by them by ballot,) ſhall conſtitute a houſe tranſacting any buſineſs other than that of adjourning.

The houſe of delegates ſhall judge of the elections an fications of delegates. *Ibid.* 9.

The houſe of delegates

—— May originate all money bills,

—— May propoſe bills to the ſenate, or receive thoſe by that body, and aſſent, diſſent, or propoſe amendments

—— May inquire into all complaints, grievances and o as the grand inqueſt of the ſtate, and may commit any p the public gaol, there to remain till diſcharged by due c law,

—— May expel any member for a great miſdemean not a ſecond time for the ſame cauſe,

—— May examine and paſs all accounts of the ſtate point auditors to ſtate and adjuſt the ſame,

—— May call for all public official papers and reco ſend for perſons whom they may judge neceſſary concer fairs relating to the public intereſt,

—— May direct all office bonds, (payable to the ſt be ſued for breach of duty. *Ibid.* 10.

—— They ſhall not, on any occaſion or under any p annex to or blend with a money bill, any matter, clauſe not immediately relating to, and neceſſary for, the impo ſeſſing, levying or applying, the taxes or ſupplies to be r the ſupport of government. *Ibid.* 11.

—— Money bills defined. *Ibid.*

I N D E X.

DELEGATES.

he houſe of delegates empowered to puniſh, by impriſon- perſons guilty of a contempt in their view, or breach of ge in the caſes therein mentioned. *Ibid.* 12.

To appoint the treaſurers and the commiſſioners of the ffice during their pleaſure. *Ibid.* 13.

uſtice of the peace may be eligible as a delegate. *Ibid.* 44.

field-officer of the militia ſhall be eligible as a delegate. 45.

ery bill paſſed by the general aſſembly, when engroſſed, be preſented by the ſpeaker of the houſe of delegates in ate to the governor, to be ſigned, &c. *Ibid.* 60.

viſion made for publiſhing the votes and proceedings of the of delegates. 1790, ch. 51.

ths or affirmations to be taken by delegates. Conſt. 28, 38, ch. 49, 1795, ch. 11.

er of the houſe of delegates to adjourn themſelves. 39.

delegate, if he ſhall qualify as ſuch, ſhall hold or execute fice of profit, or receive the profits of any office exerciſed other perſon, during the time for which he ſhall be *Ibid.* 37.

iſhment for their ſo holding any office, or receiving the *Ibid.* 39.

gates exempted from attendance as jurors. 1715, ch. 37,

wance to the delegates. 1796, ch. 41.

DENTON.

ſeat of juſtice for Caroline county eſtabliſhed at Pig to be thenceforth called Denton. 1790, ch. 11.

A ſupplement, filling up vacancies among the commiſſi- &c. 1794, ch. 50.

An additional ſupplement, erecting Denton into a vil- c. 1796, ch. 37.

DEPOSITIONS.

Of ſeafaring men, when to be evidence. 1721, ch. 14.

To be taken and returned by commiſſioners reſpecting ndaries of land. 1723, ch. 8, 1786, ch. 33, Novem- 87, ch. 22, 1793, ch. 70.

How to be taken by commiſſion from courts of law. ber, 1773, ch. 7, § 7.

How to be taken and returned under the act eſtabliſhing to perpetuate teſtimony. July, 1779, ch. 8.

The chancery practice regulated in the caſe of perpetu- timony. *Ibid.* § 8.

nuance of cauſes when the adverſe party will not admit ts, (where the attendance of a witneſs reſiding in the not be procured,) or conſent to the taking the depoſiti- uch witneſs. November, 1787, ch. 9, § 8.

to be taken by commiſſion from the chancery court. ch. 72, § 14, 1795, ch. 88, § 4, 1799, ch. 79,

Taken out of the ſtate, reſpecting claims againſt the of deceaſed perſons, how to be certified. 1798, No. 101, § 12.

How to be taken and recorded in the orphans courts on y proceeding. *Ibid.* ch. 15, § 17.

DESCENTS.

y perſon ſeized of an eſtate in any lands, tenements or aments, lying or being in this ſtate, in fee-ſimple or fee- conditional, heretofore or hereafter acquired, or of an fee-tail, to the heirs of the body generally, created and after the commencement of this act, ſhall die inteſtate ſuch lands, &c. ſhall deſcend to the kindred, male and female, of ſuch perſon, in the order therein preſcribed. 1786, ch. 45, § 2.

—— No right ſhall veſt in any perſons other than children and their deſcendants, unleſs ſuch perſon is in being and capable in law to take as heir at the time of the inteſtate's death, but any child born after ſuch death ſhall have the ſame right of inheritance as if born before. *Ibid.* § 3.

—— The child or children of a father or mother, if dead, ſhall, by repreſentation, be conſidered in the ſame degree as the father or mother would have been if living, and ſhall have the ſame ſhare of the eſtate. *Ibid.* § 4.

—— If more children than one, ſuch ſhare to be equally divided among them. *Ibid.*

Children, or their iſſue, having received any real eſtate by way of advancement, may elect to come into partition with the other parceners, on bringing ſuch advancement into hotchpot with the eſtate deſcended. *Ibid.* § 5.

—— But they ſhall not be entitled to claim a ſhare by deſcent without bringing ſuch advancement into the common ſtock or hotchpot, if there be another child or children unprovided for. *Ibid.*

Nothing herein to alter the courſe of deſcent before uſed, ſo as to affect any entail or limitation made, created and in being before the commencement of this act, &c. *Ibid.* § 6.

—— Nor to alter any limitation, grant or gift, by deviſe, conveyance or otherwiſe, to ſpecial or particular heirs, in a different courſe of deſcent from what is by this act ſpecified, but in ſuch caſes the deſcent ſhall be according to the limitation or form of the gift, deviſe or grant, until the entail ſhall be legally barred or deſtroyed. *Ibid.*

If any man ſhall have one or more children by any woman whom he ſhall afterwards marry, ſuch child or children, if acknowledged by the man, ſhall, in virtue of ſuch marriage and acknowledgment, be hereby legitimated, and capable in law to inherit and tranſmit inheritance as if born in wedlock. *Ibid.* § 7.

Directions for dividing the eſtate by commiſſioners where the parties cannot agree, or any one is a minor. *Ibid.* § 8, 9.

—— The commiſſioners directed, if the eſtate does not admit of diviſion, to report their judgment to that effect, and the reaſons, and the value of the eſtate, to the chancery or county court, as the caſe may be. *Ibid.* § 8.

—— To take into conſideration any incumbrance, and report the value accordingly. 1797, ch. 114, § 6.

—— An election given to the children, (if of age,) ſucceſſively, to take the eſtate at the valuation, and pay the others their proportion. 1786, ch. 45, § 8.

—— The election to be made at the firſt term after the return. 1797, ch. 114, § 6.

—— Directions for a ſale if ſuch election is not made. 1786, ch. 45, § 8.

—— Such ſale to be made under the order of the court iſſuing the commiſſion, and not to be valid till ratified thereby. *Ibid.*

—— Proviſion made for paying the commiſſioners, &c. 1799, ch. 49, § 2.

—— The commiſſioners, after payment and the ratification of the ſales, empowered to convey ſuch eſtate to the purchaſers. *Ibid.* § 3.

—— If the ſale is on credit, the bonds to be taken to the ſeveral repreſentatives for their proportions. *Ibid.* § 4.

—— The widow's dower may be laid off by the commiſſioners. *Ibid.* § 5.

—— By conſent of the widow, the whole may be ſold, and her proportion awarded by the court iſſuing the commiſſion. *Ibid.* § 6.

I N D E X.

DESCENTS.

An appeal given from the judgment of the county court to the chancellor, but not from his deciſion thereon. 1786, ch. 45, § 8.

—— From original deciſions by the chancellor to the court of appeals. *Ibid.*

Notice to be given by the commiſſioners. *Ibid.*

A guardian to be appointed by ſuch courts for the purpoſe, in the caſe of a minor who has none. *Ibid.*

The proceedings not to be ſet aſide for matter of form. *Ibid.*

If the eſtate conſiſts of things indiviſible in their nature, then the rule of the common law as to the enjoyment thereof ſhall take place. *Ibid.*

Proviſo as to citizens being out of the ſtate. *Ibid.* § 11.

DESPERATE DEBTS.

To be diſtinguiſhed from ſperate in the inventory of debts returned by executors or adminiſtrators. 1798, No. 101, ch. 6, § 8.

Accounts not to be rendered when the eſtate is fully ſettled, except debts ſet down as deſperate by the court, unleſs they ſhould afterwards be recovered. *Ibid.* ch. 10, § 3.

The liſt of debts returned to be examined by the orphans courts, and ſuits to be brought for ſuch as they ſhall not mark as deſperate. *Ibid.* § 4.

DETINUE.

In actions of detinue, the courts, on affidavit or other evidence, may award ſpecial bail, and commit for want thereof. 1753, ch. 17, § 2.

DEVISE.

Every deviſe of lands to any miniſter, public teacher or preacher of the goſpel, as ſuch, or to any religious ſect, order or denomination, or to or for the ſupport, uſe or benefit of, or in truſt for, any miniſter, public teacher or preacher of the goſpel, as ſuch, or any religious ſect, order or denomination, ſhall be void, except a deviſe of land not exceeding two acres for a church, meeting, or other houſe of worſhip, and for a burying-ground, which ſhall be uſed only for ſuch purpoſe, or ſuch deviſe ſhall be void. Decl. 34.

Deviſes of ſhares in the Patowmack company, how to be regiſtered, &c. in order to be valid. 1784, ch. 33, § 14.

—— In the Suſquehanna canal company. *Ibid.* ch. 66, § 5.

—— In the Pocomoke company. 1796, ch. 17, § 12.

—— In the Cheſapeake and Delaware canal company. 1799, ch. 16, § 14.

The limitations by deviſe therein mentioned of real eſtates not affected by the a[illegible]irect deſcents. 1786, ch. 45, § 6.

The [illegible]nd of a deceaſed perſon, begun by him, ſhall be a[illegible]s where the lands are deviſed. 1798, No. 101, ch. 7.

Directions for the appointment of a guardian where lands are deviſed to perſons under age. *Ibid.* ch. 12, § 1.

Every deviſe of land, or any eſtate therein, or bequeſt of perſonal eſtate to the wife of the teſtator, ſhall be conſtrued to be intended in bar of her dower in lands, or ſhare of the perſonal eſtate, unleſs otherwiſe expreſſed in the will. *Ibid.* ch. 13, § 1.

—— How a widow ſhall be barred by ſuch deviſe. *Ibid.* § 2, 3, 4, 5.

See DOWER. WIDOW.

DEVISEE.

Directions for the appearance of the deviſee in ſuits that would have abated by death. 1785, ch. 80, § 1.

A deviſee, or his guardian, may have an action againſt a widow committing waſte on the land of the deceaſed. 1798, No. 101, ch. 13, § 6.

DISBURSEMENTS.

Made by executors or adminiſtrators, how to be ſtate[illegible] allowed. 1798, No. 101. ch. 10, § 2.

DISCONTINUANCE.

In caſes that would have abated by death, and in whic[illegible] ties are to be made, if there be no appearance or proceedi[illegible] either party before the tenth day of the ſecond court aft[illegible] death ſhall be ſuggeſted, the actions ſhall be ſtruck off the[illegible] et, and diſcontinued. 1785, ch. 80, § 1.

If the grounds alleged for continuance of a cauſe are[illegible] ruled, the trial ſhall proceed, or the cauſe be diſcontinued[illegible] coſts to the party requiring no delay. November, 1787, ch.[illegible]

DISCOUNT.

When to be made by ſheriffs. 1715, ch. 46, § 11, 12, ch. 21, § 4.

In ſuits hereafter, on judgment, bond, or other writing[illegible] the defendant having any claim againſt the plaintiff on[illegible] ment, bond, or other inſtrument under ſeal, or on note,[illegible] ment, *assumpsit* or account proved, ſhall be at liberty to[illegible] account in bar, or plead diſcount to the plaintiff's claim. ch. 46, § 7.

—— In all caſes of ſuits on ſimple contract, the de[illegible] may file an account in bar, or plead diſcount of any[illegible] proved according to law, which may be of an equal or[illegible] nature. *Ibid.*

DISCOVERY OF CONFISCATED PROPERT[illegible]

Manner of compelling a diſcovery of confiſcated Brit[illegible] perty, by perſons in poſſeſſion. 1784, ch. 81.

—— The intendant authoriſed to ſell to perſons havi[illegible] ſeſſion thereof, and voluntarily diſcovering the ſame. *Ib*[illegible]

—— The governor and council empowered to compou[illegible] the diſcoverers of ſuch property. 1785, ch. 88, § 3, No[illegible] 1788, ch. 49, § 2.

—— The ſtate's agent empowered to compound with[illegible] coverers of ſuch property. 1791, ch. 90, § 1.

—— Directed to call on ſuch diſcoverers to make[illegible] their title before the firſt of June, 1792. *Ibid.* § 2.

The relinquiſhment of the right of the ſtate not to a[illegible] rights (if any) of the informer. 1797, ch. 119.

See CONFISCATION.

DISTRESS.

The fines for refuſing to ſerve as conſtable to be l[illegible] diſtreſs. 1715, ch. 15, § 2, 1752, ch. 7, § 2.

Any perſons empowered to diſtrain for rent due a[illegible] have been done before the paſſing of the reſolves of[illegible] tion. February, 1777, ch. 15, § 5.

The ſheriffs empowered to diſtrain for officers fees.[illegible] ber, 1779, ch. 25, § 17.

Directions reſpecting writs of replevin for property[illegible] diſtreſs for public dues. 1785, ch. 34, 1786, ch. 12, 179[illegible]

See REPLEVIN.

The ſum expended by the commanding officer in th[illegible] in procuring a ſubſtitute for a perſon refuſing to ſerve o[illegible] one, to be levied by diſtreſs and ſale. 1793, ch. 53, §

Fees allowed to collectors of the county charge on t[illegible] ceeding to the ſale of any goods or chattels to enforce[illegible] ment thereof. 1794, ch. 53, § 7.

DISTRIBUTION.

Executors and adminiſtrators to make diſtributio[illegible] money in hand within thirteen months from the date[illegible] letters, unleſs further time, (not exceeding four mo[illegible] given. 1798, No. 101, ch. 8, § 14.

I N D E X.

DISTRIBUTION.

— To make diſtribution every ſix months of aſſets after- ...ls ariſing till the adminiſtration is finiſhed. *Ibid.*

After judgments and decrees, all other juſt claims ſhall be ...itted to a diſtribution on an equal foooting, without priority ...reference. *Ibid.* § 17.

The duty of executors and adminiſtrators, after all claims ...wn to them are diſcharged, to deliver up and diſtribute the ...ts or reſidue of the eſtate as hereafter directed. *Ibid.* ...10, § 10.

— The ſurplus, how to be diſtributed. *Ibid.* ch. 11.

...roviſion for the appointment of guardians to orphans enti- ...to diſtributive ſhares of inteſtates eſtates. *Ibid.* ch. 12, ...

— When to be delivered to the guardian. *Ibid.* § 5.

...y executor or adminiſtrator ſhall be entitled to appoint a ...ing of creditors, or of perſons entitled to diſtributive ſhares ...acies, or a reſidue, on ſome day by the court approved, and ...e of claims, payment or diſtribution, may be then made, ...the court's direction and control. *Ibid.* ch. 14, § 12.

DISTRICTS.

...e the purpoſe of obtaining an uniformity of deciſions, the ...ivided into five diſtricts, as follows:

...t diſtrict, Saint-Mary's, Calvert, Prince-George's and ...s counties.

...ond diſtrict, Cæcil, Kent, Queen-Anne's and Talbot.

...rd diſtriſt, Anne-Arundel, Baltimore and Harford.

...rth diſtrict, Caroline, Dorcheſter, Somerſet and Wor- ...

...h diſtrict, Waſhington, Frederick, Montgomery and Alle- ... 1796, ch. 43, § 1, 2.

...e of holding the courts in each diſtrict. *Ibid.* § 3, 1797, ... 1798, ch. 81.

...governor and council authoriſed to appoint and commiſ- ...or each diſtrict, one perſon of integrity and experience, ...nd legal knowledge, to be ſtyled in the commiſſion Chief ...of the County Courts in ſuch diſtrict. 1790, ch. 33, § 4, ...ch. 43, § 4.

— The ſaid chief juſtice ſhall reſide in the diſtrict for ...he is appointed. *Ibid.*

— Manner of filling vacancies on death, removal out of the ..., &c. 1796, ch. 43, § 18, 1797, ch. 69, § 1.

— The county courts to be compoſed of the chief juſtice ...diſtrict, and the two aſſociate juſtices in the counties ...ively. 1796, ch. 43, § 5.

— Acknowledgments of deeds may be made before a chief ...in his diſtrict. *Ibid.* § 6.

— Every chief juſtice to have, within his diſtrict, all the ...of a juſtice of the peace, except as to ſmall debts. ... 19.

...ſtate divided into eight diſtricts for holding elections of ...tatives in congreſs, to wit:

...diſtrict, Saint-Mary's, Charles and Calvert counties.

...d diſtrict, Prince-George's and Anne-Arundel counties, ...g the city of Annapolis.

...d diſtrict, Montgomery county, and that part of Fre- ...county adjacent, as far as Monocacy, from the mouth ...to the Pennſylvania line.

...th diſtrict, the remainder of Frederick county, Waſhing- ... Allegany counties.

... diſtrict, Baltimore-town and Baltimore county.

... diſtrict, Harford, Cæcil and Kent counties.

...th diſtrict, Queen-Anne's, Caroline and Talbot coun- ...

... diſtrict, Dorcheſter, Somerſet and Worceſter coun- ...791, ch. 62, § 1, 2.

DISTRICTS.

—— Each diſtrict ſhall be entitled to ſend one member. *Ibid.* § 4.

The ſtate divided into ten diſtricts for appointing electors to chooſe the preſident and vice-preſident of the United States, to wit:

Firſt diſtrict, Saint-Mary's, Charles and Calvert counties.

Second diſtrict, Prince-George's and Montgomery counties.

Third diſtrict, Frederick county.

Fourth diſtrict, Waſhington and Allegany counties.

Fifth diſtrict, Anne-Arundel county, (including the city of Annapolis,) and Baltimore-town.

Sixth diſtrict, Baltimore county, (excluding the town,) and Harford county.

Seventh diſtrict, Cæcil and Kent counties.

Eighth diſtrict, Queen-Anne's and Talbot counties.

Ninth diſtrict, Caroline and Dorcheſter counties.

Tenth diſtrict, Somerſet and Worceſter counties. 1795, ch. 73, § 1.

—— Each diſtrict ſhall elect and appoint one perſon, (being a reſident thereof,) as an elector. *Ibid.* § 2.

The ſeveral counties, for the purpoſe of holding all future elections for delegates, electors of the ſenate and ſheriffs, divided into ſeparate diſtricts, to wit:

Saint-Mary's county, into	3.	
Kent,	3.	
Calvert,	3.	
Charles,	4.	
Talbot,	4.	
Somerſet,	3.	
Dorcheſter,	3.	
Cæcil,	4.	
Prince-George's,	5.	
Queen-Anne's,	3.	
Worceſter,	5.	
Frederick,	7.	
Harford,	5.	
Caroline,	3.	
Waſhington,	5.	
Montgomery,	5.	
Allegany,	6.	
Anne-Arundel county, (including the city of Annapolis,)	5.	
Baltimore county, out of the limits of the city of Baltimore,	7.	
The city of Baltimore,	8.	1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiſſioners appointed to lay off the diſtricts, &c. 1799, ch. 50, § 1, 20.

—— Manner of appointing judges of the elections in the diſtricts. *Ibid.* § 3.

—— Perſons ſhall vote in the diſtrict in which they ſhall reſide at the time of the election, and at no other place. *Ibid.* § 11.

—— Regulations reſpecting the diviſions in the city of Baltimore. *Ibid.* § 10.

—— Where part of an election diſtrict lies in one diviſion of the ſtate, and part in another. *Ibid.* ch. 76.

DIVIDENDS.

Manner of paying a proportionable part or dividend of the perſonal eſtate of a deceaſed perſon. 1798, No. 101, ch. 8, § 10, 14, 15, 16, 17, 18.

Any executor or adminiſtrator may appoint a meeting of creditors on ſome day by the orphans court approved, and paſſage of claims or payment may be then made under the court's direction and control. *Ibid.* ch. 14, § 12.

See DISTRIBUTION.

I N D E X.

DIVIDING CREEK.

Wears therein declared to be nuiſances, and penalty for putting them up. 1795, ch. 25.

—— A bridge to be built at the expence of Somerſet and Worceſter counties. 1796, ch. 11.

DOLLARS.

The fees of the regiſters of wills eſtabliſhed in dollars and cents. 1797, ch. 76.

The eſtates of deceaſed perſons to be appraiſed in dollars and cents. 1798, No. 101, ch. 6, § 2, 5.

DORCHESTER COUNTY.

Certain land therein confirmed to the Nanticoke Indians. 1704, ch. 58.

The lot where the court-houſe ſtood, &c. to remain to the uſe of the county for ever. *Ibid.* ch. 76, § 3.

An act for quieting the poſſeſſions of the Nanticoke and Choptank Indians. 1723, ch. 18.

The diviſion ſettled between Dorcheſter and Worceſter counties. 1750, ch. 13.

An act for the diviſion of Dorcheſter and Queen-Anne's counties, and for erecting Caroline county. November, 1773, ch. 10.

Acts for the relief of the poor in Dorcheſter county. 1785, ch. 57, 1786, ch. 7, May, 1788, ch. 6, November, 1788, ch. 36, 1793, ch. 24.

The governor and council directed to appoint a perſon to treat with the Indians entitled to any land in Dorcheſter county. 1785, ch. 88, § 4.

The juſtices empowered to leaſe out the priſon lands. November, 1787, ch. 20.

An act to facilitate the draining of land therein. 1790, ch. 3.

Money to be aſſeſſed for repairing the court-houſe. April, 1792, ch. 2.

The diviſional line between Dorcheſter and Caroline counties changed. November, 1792, ch. 19.

Money to be levied for repairing the court-houſe. 1793, ch. 8.

Commiſſioners appointed to eſtabliſh regulations, &c. in Cambridge, in Dorcheſter county, and a market eſtabliſhed therein. *Ibid.* ch. 66.

—— Regulations reſpecting geeſe and ſwine therein. 1794, ch. 34.

Charles Hodſon empowered to collect the balances due to him as ſheriff and collector of Dorcheſter county. 1795, ch. 50.

Caroline, Dorcheſter, Somerſet and Worceſter counties, form the fourth diſtrict for holding county courts. 1796, ch. 43, § 2.

—— Dorcheſter county court to be held the third Monday in March and the fourth Monday in October. *Ibid.* § 3, 1797, ch. 19.

Dorcheſter, Somerſet and Worceſter counties, form the eighth diſtrict for the election of repreſentatives in congreſs. 1791, ch. 62, § 2.

Caroline and Dorcheſter counties form the ninth diſtrict for appointing electors to chooſe the preſident and vice-preſident. 1795, ch. 73, § 1.

Dorcheſter county to be laid off into three ſeparate diſtricts for holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiſſioners appointed to lay off the ſaid diſtricts, and to fix the place of holding the elections in each. 1799, ch. 50, § 20.

The average value of lands eſtabliſhed in Dorcheſter county at 24/9 per acre. 1785, ch. 53, § 2.

Ground to be purchaſed adjoining the court-houſe. 1797, ch. 20.

A public gaol to be built. 1798, ch. 37.

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Commiſſioners appointed to purchaſe the Choptank lands. *Ibid.* ch. 82.

The levy court authoriſed to raiſe money annually for the port of Eſther Kenner. 1799, ch. 1.

—— Same for the ſupport of Philemon Brooke. *Ibid.*

Directions for appointing a conſtable in Cambridge. ch. 6.

—— For the preſervation of the breed of wild deer in chester county. *Ibid.* ch. 18.

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The act to direct deſcents not to bar or affect any w right of dower. 1786, ch. 45, § 6.

—— The commiſſioners, on making a diviſion or a real eſtate, ſhall lay off the widow's dower, and make thereof to the court iſſuing the commiſſion, who may or reject ſuch return, and on the conſent of the widow the whole eſtate, her proportion ariſing from ſuch ſale awarded by the ſaid courts. 1799, ch. 49, § 5, 6.

Every deviſe of land, or any eſtate therein, or bequeſt ſonal eſtate to the wife of the teſtator, ſhall be conſtrue in bar of her dower in lands, or ſhare of the perſonal eſt ſpectively, unleſs it be otherwiſe expreſſed in the will. No. 101, ch. 13, § 1.

—— A widow ſhall be debarred of her right of dower or ſhare in the perſonal eſtate, by any ſuch deviſe or bequ leſs within ninety days after the authentication or proba will ſhe ſhall deliver, or tranſmit to the orphans court, a renunciation in the form therein preſcribed. *Ibid.* § 2.

—— But by renouncing all claim to a deviſe or be deviſes or bequeſts, of perſonal property made to her by of her huſband, ſhe ſhall be entitled to one third par perſonal eſtate of her huſband, after payment of his de no more. *Ibid.*

—— If the will of the huſband deviſe a part of both perſonal eſtate, ſhe ſhall renounce the whole, or be barred of her right to both real and perſonal eſtate. *I*

—— If the will deviſe only a part of the real eſtate a part of the perſonal eſtate, the deviſe ſhall bar her of real or perſonal eſtate, as the caſe may require, provide the deviſe of either real or perſonal eſtate, or of both, expreſsly in lieu of her legal ſhare of one or both, ſhe cordingly be barred, unleſs ſhe renounce as aforeſaid.

—— But if in effect nothing ſhall paſs by ſuch de ſhall not be thereby barred, whether ſhe ſhall or ſha nounce as aforeſaid, it being the intention of this act, ſonant to juſtice, that a widow, accepting or abiding by in lieu of her legal right, ſhall be conſidered as a purch a fair conſideration. *Ibid.* § 5.

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Acts for building bridges over the Eaſtern Branch mack river. 1795, ch. 62, 1797, ch. 92.

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t extracts of the grants and certificates of the land on ſtern and eaſtern ſhores reſpectively to be depoſited in the of ſuch regiſters. *Ibid.*

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—— All freeholders to attend and give their votes. *Ibid.* § 6.

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—— Of the perſons to be choſen, four in each county, two in Annapolis, and two in Baltimore. *Ibid.* 2, 4, 5, 6, 1791, ch. 80, November, 1792, ch. 22.

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—— Commiſſioners appointed to make ſuch diviſions. 1799, ch. 50, § 1, 20.

—— Time of their meeting, &c. *Ibid.* § 2.

—— Manner of appointing the judges of the elections, and their powers. *Ibid.* § 3, 4.

—— Fine on the judges neglecting to attend at the place of election by nine o'clock of the day appointed. *Ibid.* § 5.

—— Duty of the ſheriffs to provide books for the polls. *Ibid.* § 7.

—— Directions reſpecting the appointment of clerks. *Ibid.* § 8.

The judges ſhall hold the elections at the places to be appointed as aforeſaid, and the polls ſhall be carried on without interruption or adjournment, ſo that the whole ſhall be concluded in one day. *Ibid.*

—— No vote ſhall be taken before the hour of nine in the morning, nor after the hour of eight in the evening. *Ibid.*

Oaths to be taken by the judges and clerks. *Ibid.* § 9.

Directions reſpecting the diviſions in the city of Baltimore. *Ibid.* § 10.

Every perſon qualified to vote ſhall vote in the election diſtrict in which he ſhall reſide at the time of the election, and at no other place. *Ibid.* § 11.

Fine on perſons having voted and offering to vote again. *Ibid.* § 12.

—— On perſons offering to vote in any names not their own, or in the place of perſons of the ſame name. *Ibid.*

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—— Perſons voting twice at one election may be preſented and fined, and be impriſoned not exceeding one month. *Ibid.* § 13.

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Candidates or other perſons, who ſhall give or promiſe any gift or reward to ſecure a vote or ballot, or ſhall keep, or ſuffer to be kept, any houſe, tent, booth or other accommodation, in any part of any diſtrict, at any time during the election, at their

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their expence, where any victuals or intoxicating liquor ſhall be given to voters, ſhall be fined not exceeding 500 dollars, and be impriſoned not exceeding ſix months. *Ibid.* § 18.

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In caſe of an election to fill a vacancy, the warrant ſhall go to the ſheriff. *Ibid.* § 6.

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—— Such elections to be at the ſame places, and by the ſame judges, &c. as thoſe for the ſtate delegates. *Ibid.* 1799, ch. 50, § 8.

—— To be free, and made *viva voce*. 1790, ch. 16, § 10.

—— To be held the firſt Monday of April, 1801, and on the firſt Monday of April in every ſecond year thereafter, by the judges appointed in purſuance of the acts of 1798, ch. 115, and 1799, ch. 48. 1799, ch. 50, § 8.

Every qualified perſon entitled to vote for one perſon, being a reſident at the time, and having reſided in the diſtrict twelve calendar months immediately before, and otherwiſe qualified according to the conſtitution of the United States. 1790, ch. 16, § 8.

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—— Each diſtrict to ſend one member. *Ibid.* § 4.

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—— Directions reſpecting diſtrict polls in Frederick county. *Ibid.* § 3, 1799, ch. 50, ch. 76.

—— Reſpecting the diviſions in the city of Baltimore. 1799, ch. 50, § 10.

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The governor and council on the returns being made, directed to aſcertain the number of votes for each, and to declare by proclamation the names of the perſons. *Ibid.* § 9.

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ELECTORS OF THE PRESIDENT AND VICE-PRESIDENT.

The ſtate divided into ten diſtricts for the purpoſe of appointing electors to chooſe the preſident and vice-preſident. 1795, ch. 73, § 1.

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—— Each diſtrict to chooſe one perſon, being a reſident thereof, as an elector, the choice to be made by perſons qualified to vote for members of the houſe of delegates of this ſtate, and at the ſame places. *Ibid.* § 2, 1799, ch. 50, § 8.

—— The elections to be made on the ſecond Monday in November, 1800, and on the ſecond Monday in November every fourth year thereafter. 1799, ch. 50, § 8.

—— The judges of the elections in the ſtate to be judges of them under this act. 1795, ch. 73, § 4, 1799, ch. 50, § 8.

—— The elections to be made *viva voce*. 1795, ch. 73, § 5.

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Proviſion for determining by lot where any candidates have an equal number of votes. 1795, ch. 73, § 7.

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The electors directed to meet at the city of Annapolis, or other place as ſhall be appointed for convening the legiſlature, on the third Monday in September, 1781, and on the ſame day every fifth year thereafter, and they, or any twenty-one of them, elect by ballot, either out of their own body or the people at large, fifteen ſenators, nine to be reſidents of the weſtern ſhore, ſix on the eaſtern ſhore, men of the moſt wiſdom, experience and virtue, above twenty-five years of age, reſidents of this ſtate above three whole years next preceding the election, and poſſeſſed therein real and perſonal property above the value of one thouſand pounds current money. Conſt. 15.

—— The ſenators ſhall be ballotted for at the ſame time, and the nine and ſix from the two ſhores reſpectively who appear to have the greateſt number ſhall be duly elected.

—— If two or more have an equal number, the electors to proceed to ballot again between ſuch candidates, and if the election is then undecided, ſhall determine between them by lot. *Ibid.*

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mmiſſioners incorporated for the town, and powers given reſpecting the ſtreets, &c. 1791, ch. 24.

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n grounds, therein deſcribed, to be laid out into &c. and the place to be called Elkton. April, 1787, § 11.

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— Same as to the bank of Columbia. 1793, ch. 30, § 12.

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EQUITY JURISDICTION.

Power of the county courts to hear and determine certain actions according to equity. 1763, ch. 23.

—— The attorney's fee in ſuch ſuits preſcribed. *Ibid.* § 12.

In actions not exceeding £. 100 current money, or 10,000 lbs. of tobacco, the county courts may, at the prayer of either plaintiff or defendant, either before or after judgment or verdict, hear and determine the ſame according to equity, as amply as the chancellor. 1791, ch. 78, § 2.

—— In all caſes not exceeding the ſaid ſums, the county courts are inveſted with an original equity juriſdiction, as fully and amply as the chancellor. *Ibid.* § 1.

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Nothing herein to limit or abridge the juriſdiction of the chancery court. 1791, ch. 73, § 3, November, 1792, ch. 63, § 4.

An appeal allowed to the chancery court, where the land or matter in diſpute exceed £. 30 or 3000 lbs. of tobacco. 1791, ch. 78, § 4, November, 1792, ch. 63, § 5.

—— The deciſion of the chancery court to be final. November, 1792, ch. 63, § 5.

Where a ſuit is commenced at law, and a deciſion prayed on principles of equity, the ſuit at law may be proceeded on to judgment. 1791, ch. 73, § 5.

—— Execution on the ſaid judgment ſhall not be ſtaid, unleſs the party praying an equitable deciſion ſhall verify the facts ſtated by oath or affirmation, and give bond to the adverſe party in ſuch ſum, and with ſuch ſecurity, as the court ſhall approve, conditioned for the payment of ſuch ſum as ſhall appear due, with coſts, &c. *Ibid.*

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In actions at law, the courts ſhall proceed and give judgment according as the very right of the cauſe and matter in law ſhall appear to them, without regarding any omiſſions, defects, &c. as therein mentioned, ſo as ſufficient matter ſhall appear in the proceedings on which the court may give judgment, and that it ſhall appear that the action ſhall be commenced after the cauſe accrued, and no ſuch judgment ſhall be reverſed by reaſon of ſuch imperfection. 1763, ch. 23, § 1, 2, 3.

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What lands were eſcheatable to the ſtate. October, 1780, ch. 51, § 5.

The regiſters of the land-office to grant warrants for eſcheating lands. November, 1781, ch. 20, § 3.

The treaſurers to receive for eſcheat lands two thirds of their real value in current money. *Ibid.* § 4, 1795, ch. 61.

No warrant of eſcheat ſhall be good, unleſs where the owner hath died or ſhall die inteſtate, ſeized in fee-ſimple, and without having any relation of the half blood within two degrees, (that is, firſt couſins,) as the ſame are reckoned by the common law, and without leaving any relation who might inherit if a ſubject of this or any of the United States. November, 1781, ch. 20, § 8.

—— The public engage to warrant and defend to purchaſers their title on the terms therein mentioned. *Ibid.*

—— The value in current money of all eſcheat lands, and improvements thereon, ſhall be returned and certified by the ſurveyor, and the treaſurers ſhall finally aſcertain the value of ſuch land and improvements, and ſhall receive the money therefor. *Ibid.* § 9, 1795, ch. 61, § 4.

A ſale of lands liable to eſcheat may be ordered by the chancellor for the payment of debts where there is not property ſufficient. 1785, ch. 78, § 1.

On the return of a certificate on an eſcheat warrant, any creditor of the deceaſed may enter a caveat, and thereupon no patent ſhall iſſue till an examination by the chancellor, and payment made to the creditors. *Ibid.*

A conveyance may be enforced by the chancellor of lands liable to eſcheat which had been bound by contract to convey. *Ibid.*

If the creditor ſhall be out of the ſtate, ſo that he has not notice of the death of the inteſtate in time to enter a caveat, and the real eſtate ſhall be eſcheated, the ſtate will, on application of ſuch creditor, pay the amount received. *Ibid.* § 2.

If a patent ſhall iſſue for lands eſcheated to the ſtate, and the perſon died indebted within the ſtate, or to any of its citizens, the creditors may file their bill againſt the ſtate, and recover as far as the money has been received. 1794, ch. 60, § 6.

In all caſes where land has been eſcheated, or ſhall eſcheat to the ſtate, any perſon having a claim to the land, or a lien or charge on it, or a title in equity, may bring a ſuit againſt the ſtate in any court of law or equity as it might have been brought againſt the perſon. 1799, ch. 79, § 7.

The right of the ſtate relinquiſhed to property eſcheated or eſcheatable that had been acquired by foreigners ſince the act for naturalization, on ſuch foreigners becoming naturalized by the times therein limitted. 1789, ch. 24, § 3, 4, November, 1792, ch. 14, § 3, 4.

—— No application to be received within ſuch limitted periods to prejudice the rights of the ſaid foreigners. *Ibid.* § 5.

ESTATES.

A ſummary mode of recovering the poſſeſſion of lands and tenements held by tenants for years or at will, after the expiration of their terms or eſtates. 1793, ch. 43.

Eſtates for the life of another perſon or perſons, except thoſe granted to the deceaſed and his heirs only, are aſſets. 1798, No. 101, ch. 7.

Eſtates, how deviſeable by will. *Ibid.* ch. 1.

ESTATES TAIL.

Perſons ſeized of any eſtate tail, in poſſeſſion, remainder or reverſion, may convey the ſame by ſuch manner of conveyance as a perſon ſeized of an eſtate in fee-ſimple may convey ſuch eſtate, and ſuch conveyances of perſons ſo ſeized in tail ſhall be good and available againſt all perſons whom the grantor could debar by any mode of common recovery, or any ways or whatever. November, 1782, ch. 23.

Common recoveries before ſuffered by conſent for d eſtates tail available, notwithſtanding any defect. Nov 1766, ch. 21.

Nothing in the act to direct deſcents to affect the caſe entail made, created and in being, before the commencem the act. 1786, ch. 45, § 6.

Eſtates tail excepted out of the deſcription of real eſtat ject to be transferred by laſt will. 1798, No. 101, ch.

EVIDENCE.

No man ought to be compelled to give evidence again ſelf in a court of common law, or in any other court, ſuch caſes as have been uſually practiſed in this ſtate, hereafter be directed by the legiſlature. Decl. 20.

No perſon convict or attaint of ſubornation of perju convict or attaint of perjury, ſhall be received as a witn ſuch judgment be reverſed. 1692, ch. 16, § 3, 4.

What ſhall be evidence reſpecting church lands. ch. 38.

No bill, bond, judgment, recognizance, &c. or other ſp (except for the ſtate,) ſhall be admitted in evidence af principal debtor and creditor have been both dead twelv or the debt, &c. above twelve years ſtanding. 1715, ch.

—— A ſaving to infants, &c. of five years after the ment is removed. *Ibid.*

Directions reſpecting the admiſſion of negro or ſlaves, free negroes, &c. as evidence. 1717, ch. 13, §

—— Reſpecting the depoſitions of ſeafaring men. ch. 14.

—— Reſpecting the boundaries of land. 1723, ch. See BOUNDARIES.

The evidence of convicts, imported as ſuch, ſhall be againſt other ſuch convicts. 1751, ch. 11, § 2.

The evidence of their confederates or accomplices, be convicts, ſhall be ſo received. *Ibid.*

—— Puniſhment for their ſwearing falſely. *Ibid.* §

Copies from the record of the bonds given by clerk ters, &c. to be evidence. 1716, ch. 1, § 3, 1742, ch.

Slaves may be convicted of the felonies therein menti the teſtimony of one or more credible witneſſes, or even ſlaves, corroborated with ſuch pregnant circumſtances convince and ſatisfy the jury of their guilt. 1751, ch.

—— Puniſhment of ſuch ſlaves for giving falſe t *Ibid.* § 5.

—— The court to admoniſh them to declare the tr *Ibid.* § 6.

Evidence, how to be taken by commiſſion from court November, 1773, ch. 7, § 7.

A mode eſtabliſhed to perpetuate teſtimony. Jul ch. 8.

—— Same in the chancery court. *Ibid.* § 8.

In caſe any original deed, and the record thereof at l loſt or deſtroyed, then the record entries, as preſcribe act, (of tranſcripts from the county courts,) or atteſt of them, ſhall be admitted in evidence. 1785, ch. 9,

—— Although ſuch original deed, &c. may not deſtroyed, the general court may, in their diſcretion, a record entries, or atteſted copies of them, to be giv dence in all caſes where they ſhall be of opinion, fro cumſtances, &c. that the deed at length is not neceſſar

—— But no ſuch record entry, or atteſted copy, ſ mitted in evidence, if the party againſt whom it i ſhall give the other party notice, a term before trial, the original deed, or a full copy from the record. *Ibi*

I N D E X.

exemplification of the record, under the hand of the , and the ſeal of the court or office where made, ſhall be ce to prove any debt of record in any other of the United , or any foreign country. 1785, ch. 46, § 1.

copy of the record or regiſter of any deed, will, &c. ed by the laws of the ſtate or country to be recorded or ed,) under the hand of the keeper and the ſeal of the or office where made, or a copy of any deed, will, &c. for ſafe keeping agreeably to ſuch laws, and certified as id, ſhall be evidence to prove ſuch deed, will, &c. *Ibid.*

proof of any deed, will, &c. executed in any other of the States, or any foreign country, to which recording or ing is not made neceſſary, the evidence required is, proof execution of ſuch deed, will, &c. by the oath or affirma- the ſubſcribing witneſſes, or any of them, taken before a judge, &c. where executed. *Ibid.* § 3.

The power of ſuch court, &c. and the taking of the w to be certified. *Ibid.*

On the death of all the witneſſes to any deed, will, &c. proof of the execution as aforeſaid, proof of the hand of the party making ſuch deed, &c. or of the ſubſcribing s, or any of them, certified as aforeſaid, ſhall be evi- *Ibid.*

Provided, that the party bringing ſuit on ſuch inſtru- writing ſhall, at or before the firſt imparlance court, th or affirmation, before ſome court, judge or juſtice of e, or ſome court, judge, &c. where executed, having to adminiſter the ſame, (to be certified as aforeſaid,) ſame was duly executed by the perſon therein mention- the debt claimed by ſuch writing, (or any part except redited,) is not paid or ſatisfied by diſcount, &c. but whole, or ſuch part as by ſuch oath or affirmation is be due, remains unpaid, to the beſt of his knowledge f. *Ibid.*

Provided alſo, that creditors of a deceaſed perſon, and and adminiſtrators of a creditor, on ſuit by them, ſhall h or affirmation as the law now directs. *Ibid.*

And provided, that nothing in this act ſhall alter or re- laws for conveying lands, &c. by perſons reſiding or hout the ſtate. *Ibid.*

th or affirmation of any witneſs, made and certified as ſhall be evidence in any court of this ſtate, to prove ent of money, or delivery or ſale of goods, &c. by mer- c. inhabitants of any other of the United States, or of country, and to prove the price and an aſſumption to d. § 4.

rovided, that the party bringing ſuit therefor ſhall, at the firſt imparlance court, make oath or affirmation, me judge or juſtice of this ſtate, or ſome court, where delivered, having authority, and to be certified id, that he believes the goods, &c. charged in the o which ſuch oath ſhall be annexed, were *bonâ fide* as charged, and that he hath not, (to his knowledge or eived any payment, &c. more than credit is given for count, nor any ſecurity, and that the balance claimed e, according to the beſt of his knowledge and belief.

h or affirmation of any clerk, ſtore-keeper or credible fore any judge, juſtice or court of this ſtate, ſhall be n any court of this ſtate to prove the payment of delivery or ſale of goods, &c. by merchants, &c. ſtate, to perſons within this ſtate, and to prove the n aſſumption to pay. *Ibid.* § 5.

vided ſuch oath or affirmation be made within twelve m the date of the articles, &c. and that the party

bringing ſuit therefor ſhall, at or before the firſt imparlance court, make oath or affirmation, before ſome judge, &c. of this ſtate, as above directed. *Ibid.*

Nothing in this act ſhall preclude a defendant from controverting ſuch proof by any teſtimony admiſſible by common law, nor to prevent a plaintiff from giving ſuch teſtimony, or purſuing any legal mode, to eſtabliſh his claim. *Ibid.* § 6.

Manner of proving claims againſt the eſtates of deceaſed perſons. 1798, No. 101, ch. 9, § 8.

The act of 1729, ch. 20, repealed, but debts, &c. proved, purſuant to the ſaid act, on or before the firſt of November then next, to be ſufficient, and accounts not exceeding £. 30 in the courſe of a year, ſo proved, to be evidence till the firſt of January, 1789, and afterwards any account not exceeding £. 10 in the courſe of a year. 1785, ch. 46, § 8.

Manner of taking evidence by commiſſion from the chancery court. 1785, ch. 72, § 14, 1795, ch. 88, 1799, ch. 79.

—— By interrogatories, which the defendant therein is empowered to exhibit to the plaintiff, to be anſwered by him on oath. 1785, ch. 72, § 21.

See CHANCERY.

The marking and bounding land under a commiſſion, and the record thereof, ſhall be concluſive evidence of the original location, both as to the direction and termination of the lines, in caſe no ſuit ſhall be brought within five years from the recording ſuch return to call in queſtion the adjudication. 1786, ch. 33, § 5.

—— Where the adjudication ſhall be confirmed by the verdict of a jury, it ſhall conclude to every intent and purpoſe between the ſame parties and thoſe claiming under them. *Ibid.*

—— But five years are allowed to infants, &c. after the diſability removed, to commence ſuit. *Ibid.*

—— An agreement as therein mentioned, when recorded, to have the ſame effect as a location by the commiſſioners. *Ibid.* § 6.

Depoſitions taken to perpetuate boundaries on a commiſſion under the act for marking and bounding lands ſhall be as good evidence as if taken under the act of 1723, ch. 8, relating to the bounds of lands. 1793, ch. 70, § 2.

The courts may continue cauſes on its appearing that a witneſs, who ſhall be named, or teſtimony material, &c. is wanting from ſome other of the United States, or from beyond ſea. November, 1787, ch. 9, § 2, 3.

—— Time of continuance where commiſſions iſſue to take ſuch evidence. *Ibid.* § 5, 1794, ch. 6.

—— Time of continuance where the attendance of a witneſs in this ſtate cannot be procured. November, 1787, ch. 9, § 8.

See CONTINUANCE.

Copies from the record of the bonds given by inſpectors to be evidence. 1789, ch. 26, § 15.

The teſtimony of the inſpectors to be admitted as evidence in the caſes of forging manifeſts, &c. therein mentioned. *Ibid.* § 37.

What ſhall be evidence of the time of the receipt by the governor and council of returns from the judges of the elections of repreſentatives to congreſs, or of electors of preſident and vice-preſident. November, 1792, ch. 34, 1799, ch. 50, § 16.

Copies from the record of the bonds given by collectors of the county tax to be evidence. 1794, ch. 53, § 2.

—— The ſame as to ſheriffs bonds. *Ibid.* ch. 54, § 8.

—— The ſame as to coroners bonds. 1797, ch. 95, § 1.

Proof to be made by a creditor on obtaining a warrant of attachment againſt perſons not being citizens or perſons abſconding. 1795, ch. 56, § 1.

—— The proof on which ſuch warrant of attachment is granted by a judge or juſtice muſt be lodged with the clerk before an attachment ſhall iſſue. *Ibid.*

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EVIDENCE.

—— Manner in which the oath or affirmation of a creditor in another ſtate ſhall be certified. *Ibid.* § 2.

—— The plaintiff may exhibit interrogatories to the garniſhee, touching the property of the defendant, which he ſhall be obliged to anſwer. *Ibid.* § 5.

—— His neglect or refuſal to be evidence of his having property, or being indebted, to the amount of the plaintiff's claim. *Ibid.*

Depoſitions directed to be taken by the judge of the land-office on the eaſtern ſhore to be admitted as evidence on the hearing of a caveat, on notice to the other party. 1795, ch. 61, § 12.

Proviſion made for compelling the parties in the county courts to produce books or writings containing evidence pertinent to the iſſue, or copies from them, or to anſwer any bill for diſcovery. 1796, ch. 43, § 7.

No ſlave, manumitted agreeably to the laws of this ſtate ſince the paſſage of the act of April, 1783, ch. 23, or who ſhall hereafter be manumitted or made free in virtue of this act, ſhall be entitled to give evidence againſt any white perſon, or ſhall be received as competent evidence to manumit any ſlave petitioning for freedom. 1796, ch. 67, § 5.

A copy of the record of a deed or writing of manumiſſion, duly atteſted under the ſeal of the office, ſhall be good evidence to prove ſuch freedom. *Ibid.* § 30.

The receipts of the county clerks for blank marriage licences ſhall be ſufficient evidence on ſuits by the ſtate of the money due for thoſe not returned as therein directed. 1797, ch. 38, § 5.

The inhabitants of a county to be admitted as witneſſes on a proſecution for the recovery of fines under the act to prevent exceſſive gaming, notwithſtanding one half of ſuch fines being appropriated to ſuch county. *Ibid.* ch. 110, § 5.

A certificate of the entry of any birth, marriage or burial, in the pariſh regiſter, under the hand of the regiſter of the ſaid pariſh, with the common ſeal of the veſtry annexed, ſhall be received in evidence in all courts of juſtice in the ſtate. 1798, ch. 24, § 22.

The chancellor empowered, on the trial of any actions at law depending in the general court, or on any bill in the chancery court, either for diſcovery or relief, to decree that the parties ſhall produce either the original books, writings or papers, or certified copies of all ſuch books, &c. in their poſſeſſion or power, as contain evidence pertinent to the iſſue, or relative to the matters in diſpute, to be uſed as evidence, on his being ſatisfied as therein deſcribed of the neceſſity of ſuch books, &c. *Ibid.* ch. 84.

Evidence required in allegations of infancy, lunacy, conviction of crimes, or being aliens, againſt perſons named as executors or adminiſtrators. 1798, No. 101, ch. 4, ch. 5, § 1.

—— As to a perſon's dying inteſtate, of the time, manner, &c. for obtaining letters of adminiſtration. *Ibid.* ch. 5, § 3.

An account ſettled by the orphans court ſhall be evidence to ſhew the amount of aſſets and claims. *Ibid.* ch. 8, § 9.

The vouchers or proofs of decrees, judgments and other claims againſt the eſtates of deceaſed perſons, preſcribed. *Ibid.* ch. 9.

—— Directions reſpecting depoſitions taken out of the ſtate. *Ibid.* § 12.

The reports of the perſons procured to view the eſtates of orphans ſhall be evidence againſt the guardians in caſe of ſuit for miſconduct. *Ibid.* ch. 12, § 6.

A copy of any of the books, papers, entries or proceedings, of the governor and council, atteſted by the clerk of the council, alſo a copy of any of the books, &c. of the treaſury, atteſted by the treaſurer, alſo a copy of the books, &c. of the office of the auditor, atteſted by him, alſo a copy of the books,

EVIDENCE.

&c. in poſſeſſion of the regiſter of the land-office, not matter of record, and atteſted by him, ſhall be received dence, if ſworn by the perſons atteſting to be true copies the originals were produced. *Ibid.* ch. 108.

Copies from the records of bonds taken under the act point an agent to be evidence. 1799, ch. 80, § 18.

EXAMINER-GENERAL.

His fees eſtabliſhed. November, 1779, ch. 25, § 5.

—— Directions for the appointment of an examiner-g to reſide at Annapolis. November, 1781, ch. 20, § 7.

—— His duty preſcribed. *Ibid.*

—— Directions for the appointment of an examiner eaſtern ſhore. 1795, ch. 61, § 3.

—— His duty preſcribed. *Ibid.* § 2, 3.

—— The rules eſtabliſhed by the governor and counc tranſmitted to him. *Ibid.* § 8.

—— Entitled to the ſame fees as the examiner on the ſhore. *Ibid.* § 9.

—— Directed to account on oath with the treaſure ſhore for all fees received or due, and to be paid by h ſum as, with the ſaid fees, ſhould make £. 100 0 0 half year. 1797, ch. 53.

—— The fees of the examiners on both ſhores increa *per cent.* and they directed to lay before the then next aſſembly an account on oath of the amount. 1798, ch.

—— The act to continue to 30th October, 1805, &c ch. 55.

Directions reſpecting the correction of certificates. ch. 88, § 7, 8, 1796, ch. 6.

EXCEPTIONS.

Where the judges or juſtices of courts of law ſhall b in opinion, any perſon affected thereby ſhall be entit bill of exceptions, as if the opinion of the court had bee him, and as allowed by law in other caſes. Octob ch. 21, § 14.

In all caſes of appeals or writs of error, upon bills tions, the appellate courts, where the judgments excepte be reverſed, ſhall give judgment on every exception. 179

In petitions for freedom, either party may appeal a ters of law only, and take bills of exception to th court. 1796, ch. 67, § 23.

EXECUTION.

Shall not be ſtaid or delayed on an appeal or writ unleſs bond is given as therein preſcribed. 1713, ch.

After condemnation on attachments, execution to *capias ad ſatisfaciendum*, *fieri facias*, or otherwiſe, judgments. 1715, ch. 40, § 3, 7.

—— What to be levied from the garniſhees by fi tion. *Ibid.* § 4.

No ſheriff ſhall, by any attachment, or any other had upon ſuch attachment, or any other execution w levy, ſeize or take, the goods and chattels of any o bitants, ſo far as to deprive them of all livelihood for but corn for neceſſary maintenance, bedding, gun, and labourers neceſſary tools, and ſuch like houſehold and ammunition for ſubſiſtence, ſhall be protected tachments and executions whatſoever. *Ibid.* § 5.

Directions reſpecting executions againſt perſons fl ſent from the counties where judgments may be obtai ch. 41, § 8.

Conſtables fees to be levied by way of execution complaining, and to be allowed the party recovering *Ibid.* ch. 15, § 7.

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EXECUTION.

ttornies fees to be levied by execution as other officers fees. ch. 48, § 10.

he ſpace of time therein mentioned not to be taken or eſti- in the year and a day limitted by law for iſſuing executi- on judgments. February, 1777, ch. 15, § 7.

ecution may be iſſued againſt a defendant removing from ounty where the judgment was had. October, 1777, ch. § 3.

— Such execution ſhall be directed to, and ſerved by, the f or coroner of the county where the defendant may reſide.

— The plaintiff to produce to the court where the execu- is returnable a ſhort copy of the judgment, atteſted by the of the court where it was obtained. *Ibid.*

— The execution may be renewed in virtue of ſuch ſhort from the court to which it was returned as if the judgment en rendered therein. 1795, ch. 23.

ecution may be iſſued on judgment againſt bail as if for his ebt. October, 1778, ch. 21, § 6.

— On judgment with a ſtay, at any time within one year the expiration of ſuch ſtay, if entered on the docket when dgment is rendered. *Ibid.* § 7.

— Within one year after the diſſolution of an injunction the court of chancery. *Ibid.*

— Within one year after any ſuperſedeas on appeal or writ r. *Ibid.*

ere execution iſſues on a forfeited recognizance, the party ppear and plead as if to a *scire facias* iſſued thereon. 1782, ch. 42, § 2.

— Where it iſſues on a recognizance forfeited for not at- g as a witneſs in any caſe not capital, the court may diſ- the party on terms as therein mentioned. *Ibid.*

to the clerks for iſſuing executions. November, 1779, § 2, 3.

— To the ſheriffs for ſerving and returning writs of exe- *Ibid.* § 3.

— Poundage fees allowed to the ſheriffs on executions. 4, 5, 1790, ch. 59, § 2.

on executions to the coroner. November, 1779, ch. 5.

utions entered not called by conſent, may be again iſ- ainſt the proper perſon. 1789, ch. 42.

CAPIAS AD SATISFACIENDUM.

ution to be iſſued for coſts on judgments, after appeal reverſed in the general court or the court of appeals. ch. 80, § 6, 1790, ch. 42.

tions reſpecting fees to the attorney-general and his de- on executions for fines. 1791, ch. 63.

ution, how to be ſtaid. 1791, ch. 67, November, ch. 74.

STAY OF EXECUTION.

xecutions under the act for the ſpeedy recovery of ſmall to be returnable at a certain day, not exceeding forty er the teſte thereof, before the juſtice iſſuing them, or ome other. 1791, ch. 68, § 6.

Execution may be awarded on a judgment againſt a con- irected to the ſheriff, in caſe of non-payment of any debt to be received by him. *Ibid.*

A juſtice of the peace, after giving judgment, may the conſtable with the body of the debtor in execution, o carry him to the ſheriff, or execution may be awarded ear from the judgment. *Ibid.* § 1.

ution ſhall not be ſtaid on appeal from ſuch judgments, ond is given as therein deſcribed. *Ibid.* § 5.

deciſion being prayed in a county court on principles of the ſuit may be proceeded on to judgment, and executi-

EXECUTION.

on ſhall not be ſtaid unleſs the facts ſtated in the petition are verified by oath or affirmation, and bond with ſecurity is given. *Ibid.* ch. 78, § 5.

Execution may be iſſued from the general or county court on the order of the preſident of the bank of Maryland. 1790, ch. 5, § 13.

—— On the return thereof an iſſue may be joined if the defendant conteſt the debt. *Ibid.*

—— A ſimilar proviſion as to the bank of Columbia. 1793, ch. 30, § 14.

Execution, how to be iſſued for coſts under the act to provide a ſummary mode of recovering poſſeſſion of lands held by tenants for years, &c. 1793, ch. 43.

Execution to be iſſued againſt the property of perſons convicted of robbery, &c. if the property taken is not returned to the party injured. *Ibid.* ch. 57, § 21.

An immediate execution to iſſue on judgments obtained on motion on behalf of the truſtees of the poor againſt the collectors of the county charges, on notice, &c. as therein preſcribed. 1794, ch. 53, § 3.

—— No writ of error, ſuperſedeas, injunction or appeal, to be allowed thereon. *Ibid.*

—— A ſimilar proviſion as to judgments againſt ſheriffs or collectors. 1797, ch. 43.

—— The ſame on ſuch judgments by ſheriffs or collectors againſt their deputies. *Ibid.*

—— The ſame on a judgment on motion againſt a ſheriff refuſing or neglecting to pay over money received for militia fines. 1798, ch. 100, § 20.

Manner in which ſheriffs or coroners may be defaulted on the return of executions, and failing to bring in the perſons, or on failing to make returns, and their remedy againſt the defendants. 1794, ch. 54.

See DEFAULTS. SHERIFFS.

Execution, when to be iſſued to an eliſor, and his power therein. *Ibid.* § 5, 6.

Writs of *fieri facias* may, on the return of *nulla bona*, be iſſued againſt the goods, &c. in any other county. *Ibid.* § 9.

Writs of *capias ad satisfaciendum* to be iſſued for the recovery of fines, penalties and forfeitures. 1795, ch. 74.

Execution may iſſue as on a condemnation againſt a garniſhee, on his neglect or refuſal to anſwer interrogatories touching the property of the defendant, or debts owing to him. *Ibid.* ch. 56, § 5.

No perſon ſhall cauſe any inhabitant of this ſtate to be arreſted out of the county where he reſides by a writ of *capias ad respondendum*, or *capias ad satisfaciendum*, for any debt, &c. until the ſheriff or coroner of the county where he ſhall reſide ſhall have returned a writ of *non est inventus* on ſuch writs reſpectively, iſſued at the requeſt of ſuch perſon againſt the ſaid defendant. 1796, ch. 43, § 14.

—— On a perſon being taken in execution contrary to this act, the court ſhall diſcharge him from impriſonment. *Ibid.* § 15.

—— This act not to extend to perſons flying from juſtice in the county where they live, but they may be arreſted in any county. *Ibid.*

On a *fieri facias* againſt an executor or adminiſtrator, either his own goods, or thoſe of the deceaſed, may be taken. 1798, No. 101, ch. 8, § 9.

Execution may iſſue and have effect in the caſes therein mentioned againſt an executor as if he were ſued in his own right. *Ibid.* ch. 14, § 6.

EXECUTIVE POWER.

Perſons inveſted with the executive powers of government are the truſtees of the public, and as ſuch accountable for their conduct, &c. Decl. 4.

I N D E X.

EXECUTIVE POWER.

The legiſlative, executive and judicial powers of government, ought to be for ever ſeparate and diſtinct from each other. *Ibid.* 6.

A long continuance in the firſt executive departments is dangerous to liberty, a rotation therefore in thoſe departments is one of the beſt ſecurities of permanent freedom. *Ibid.* 31.

Manner in which the governor and council are elected. Conſt. 25, 26.

The governor may alone exerciſe all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this ſtate. *Ibid.* 33.

EXECUTORS.

After probat of a will, letters teſtamentary to be granted to the executor or executors named therein, on their executing a bond as therein directed. 1798, No. 101, ch. 3, § 1.

—— How ſuch letters are to be granted where perſonal property is in a county other than that where the will was proved. *Ibid.* § 2.

—— The executor to tranſmit to ſuch county a certificate of the granting of letters teſtamentary. *Ibid.*

Directions for ſummoning executors in order to file bonds, &c. *Ibid.* § 4, 5, 6.

—— Where ſeveral executors are named in a will, letters ſhall not be granted to leſs than the whole, until there ſhall be a proceeding againſt them by ſuch ſummons, &c. *Ibid.* § 6.

Directions reſpecting the renunciation of executors. *Ibid.* § 7.

If letters are granted to one or more, on failure of the reſt, thoſe not named in the letters ſhall not interfere, &c. *Ibid.* § 8.

Executors named in a will ſhall not interfere after letters of adminiſtration, with a copy of the will, are granted. *Ibid.*

—— Such executors ſhall not, before letters are granted, interfere further than to preſerve the property. *Ibid.*

—— But ſuch acts ſhall be made valid by the granting of letters. *Ibid.*

In ſuits by executors they may produce the letters, or a certificate, at any time before trial. *Ibid.*

—— Where an exhibit of ſuch letters would be available, a certificate ſhall be equally ſo. *Ibid.*

Executors named in a will, but not in the letters, need not be made parties in ſuits. *Ibid.* § 9.

—— But the making them parties ſhall not vitiate. *Ibid.*

The bonds of executors to be recorded in the office of regiſter of wills granting the letters, and perſons intereſted entitled to copies to bring ſuits on. *Ibid.* § 10.

—— The condition of their bonds preſcribed. *Ibid.* § 11.

—— Executors to take the oath therein preſcribed. *Ibid.* § 12.

—— Form of the letters teſtamentary. *Ibid.* § 13.

In what manner letters ſhall be granted if an executor is diſqualified from being under age, &c. *Ibid.* ch. 4.

The bond of an executor or executrix above eighteen, and under twenty-one, ſhall be binding. *Ibid.* § 7.

A married woman ſhall not be entitled to letters teſtamentary, unleſs her huſband gives bond and ſecurity. *Ibid.* § 8.

Directions as to granting letters teſtamentary, on the diſcovery of a will after letters of adminiſtration. *Ibid.* ch. 5, § 4.

—— For the executor, as to judgments on ſuits by or againſt the adminiſtrator. *Ibid.*

The goods, &c. to be delivered to ſuch executor. *Ibid.* § 5.

In no caſe ſhall the executor of an executor be entitled as executor to adminiſtration *de bonis non* of the firſt deceaſed. *Ibid.* § 6.

Directions to executors, where by the will it is neceſſary to retain the perſonal eſtate, or part of it, on money being payable at a diſtant period, &c. *Ibid.* ch. 10, § 11.

EXECUTORS.

If any thing is bequeathed to an executor by way of compenſation, no allowance of commiſſion ſhall be made, unleſs compenſation appears inſufficient. *Ibid.* ch. 14, § 5.

Executors need not exhibit inventories or accounts, if will give bond, &c. for the payment of all debts, claims legacies. *Ibid.* § 6.

The naming an executor in a will ſhall not extinguiſh juſt claim of the deceaſed againſt him. *Ibid.* ch. 8, § 20.

Mode of paying ſuch claims. *Ibid.*

For other matters, ſee ADMINISTRATORS.

EXECUTRIX.

The bond of any executrix who is unmarried, and eighteen, ſhall be binding as if ſhe was of the full age twenty-one. 1798, No. 101, ch. 4, § 8.

All rules, &c. reſpecting an executor, ſhall apply to an cutrix. *Ibid.* ch. 14, § 10.

EXPENCES.

Expences, (not perſonal,) may be allowed to executors miniſtrators in the recovery or ſecurity of any part of the 1798, No. 101, ch. 10, § 2.

EX POST FACTO.

No *ex post facto* law ought to be made. Decl. 15.

FACTS.

THE trial of facts where they ariſe is one of the great curities of the lives, liberties and eſtate of the Decl. 18.

FACTORS.

Mode of proof by them of claims againſt the eſtates ceaſed perſons. 1798, No. 101, ch. 9, § 10, 11.

For other matters, ſee BANKRUPTS. BRITISH MERCH LIMITATION of ACTIONS.

FAIRS.

Penalty on perſons holding a fair, or ſetting up a boo any public meeting, to ſell or exchange any goods, &c. ch. 15, § 2, 3.

—— Not to prevent the ſale of the produce or manuf of any of the United States, or refreſhments at courts o tions. *Ibid.* § 2.

—— Not to extend to licenſed hawkers or pedlers, or fect any charter or privilege granted to any city, town o corporate. *Ibid.*

FALSE IMPRISONMENT.

Actions therefor to be brought within one year. 1715, § 2.

Caſes in which ſheriffs or gaolers keeping perſons ſuſpe runaways in gaol ſhall be liable to actions of falſe impriſo *Ibid.* ch. 44, § 34.

FARO.

Tables for the purpoſe of gaming prohibited. 1797, c

FATHER.

Caſes in which the father ſhall take lands under the ad rect deſcents. 1786, ch. 45, § 2.

No relations except a widow, child, grand-child, brother, ſiſter or mother, ſhall be conſidered entitled to ſtration, unleſs they apply therefor. 1798, No. 101, § 7.

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FATHER.

If there be neither widow, nor child, nor grand-child, the ther is entitled to adminiſtration. *Ibid.* § 12.

If there be a father, and no child or deſcendant, the father ll have the whole ſurplus of an inteſtate's perſonal eſtate. d. ch. 11, § 7.

FEDERAL CONVENTION.

Deputies appointed from this ſtate to the federal convention, d powers conferred on them. April, 1787, ch. 36.

FEES.

See OFFICERS FEES.

FELONY.

No law to attaint particular perſons of felony ought to be . Decl. 16.

The proviſion in the act for the advancement of juſtice re- ing errors and omiſſions not to extend to caſes of felony. 3, ch. 23, § 3.

Acts of aſſembly declaring certain offences to be felony, to 1715, ch. 26, § 2, 4, ch. 44, § 33, 1790, ch. 5, § 14, 1792, ch. 1, 1793, ch. 30, § 15, ch. 35, ch. 57, 1797, 6, 1799, ch. 58, ch. 75.

— Acts declaring certain offences to be felony without it of clergy, to wit: 1723, ch. 16, § 1, 1729, ch. 4, ch. 2, 1744, ch. 5, ch. 20, 1751, ch. 14, § 2, 3, 4, ary, 1777, ch. 20, § 2, 10, 11, November, 1777, ch. 1, ch. 57, 1799, ch. 58, ch. 61, ch. 82.

See CRIMES and PUNISHMENTS.

FEMALES.

les, (as entitled to adminiſtration,) ſhall be preferred to fe- in equal degree. 1798, No. 101, ch. 5, § 15.

— A female ſole ſhall be preferred to a married woman in degree. *Ibid.* § 19.

— Where a female is entitled, adminiſtration may be given and her huſband, provided he be capable. *Ibid.* § 20.

en a male party is herein mentioned, the rule ſhall apply male, unleſs otherwiſe expreſsly provided. *Ibid.* ch. 14,

ales of the full age of eighteen empowered to make wills ds, tenements or incorporeal hereditaments. *Ibid.* ch. 1, § 3.

rdians to be appointed to females under ſixteen entitled l or perſonal eſtate till the age of ſixteen or marriage. ch. 12, § 1.

ADMINISTRATRIX.

FEME-COVERT.

ings to them in the acts for the limitation of actions, and ns againſt the ſtate. 1715, ch. 23, § 3, 6, 1729, ch. 22, ch. 25, § 4, 1784, ch. 65, 1785, ch. 10, § 3, 1786, § 5.

LIMITATION OF ACTIONS.

— Manner of their acknowledging conveyances to bar them tors, or of their dower. 1715, ch. 47, § 11, 1752, ch. ember, 1766, ch. 14, § 6.

CONVEYANCES.

— Savings to them in chancery proceedings. November, ch. 7, § 4, April, 1787, ch. 30, § 3.

CHANCERY.

— Regulations reſpecting their rights to lands in the city lington. 1791, ch. 45, § 3.

arried woman ſhall be entitled to letters teſtamentary, ame, or letters of adminiſtration, ſhall be granted as if not been named in the will, unleſs her huſband ſhall d with ſecurity. 1798, No. 101, ch. 4, § 8.

FEME-COVERT.

The choſes in action of a married woman dying inteſtate ſhall devolve on her huſband, without his adminiſtering. *Ibid.* ch. 5, § 8.

—— If not reduced into poſſeſſion, or judgment obtained for them in his life-time, they ſhall devolve on her repreſentative, and adminiſtration may be granted accordingly. *Ibid.*

—— Mode of ſuing therefor by the huſband. *Ibid.* § 9.

FENCES.

Their height preſcribed, and regulations reſpecting the keeping of horſes within enclоſures, &c. 1715, ch. 31.

FERRIES.

The juſtices of the county courts authoriſed, at their March courts, to grant licence to any inhabitant to keep a public ferry at any place uſed as ſuch, and from ſuch place to any other county, or from this to any other ſtate. November, 1781, ch. 22, § 1.

—— Directions for renewing the licences. *Ibid.*

—— Licence may be granted at any other court, to continue till the next March court. *Ibid.*

—— Any two juſtices of the peace may grant licence to keep ſuch ferry till the meeting of the court, taking recognizance, &c. April, 1782, ch. 31, § 2.

—— On the death of a ferry-keeper between the ſitting of the courts, any two juſtices may permit any inhabitant to keep ferry till the next court, which may appoint ſuch perſon for the reſidue of the year. November, 1781, ch. 22, § 4.

—— Such perſon to enter into recognizance, &c. *Ibid.*

—— Nothing in this act to prevent the courts, (as heretofore practiſed,) from agreeing with perſons to keep ferries, on taking recognizance and aſcertaining the prices. *Ibid.* § 5.

The county courts may grant licence to keep ferry at the ſame place where it may have been granted to others, on application, with two ſufficient ſecurities. April, 1782, ch. 31, § 3.

Perſons keeping ferry for hire without licence to forfeit £. 5. November, 1781, ch. 22, § 1.

The county courts ſhall, at their March courts, or oftener, aſcertain the price of ferriage for paſſengers, and horſes and carriages, (not allowing any thing for the baggage of a paſſenger,) at every ferry by them licenſed. *Ibid.* § 2.

They ſhall direct as to the kind of boats to be kept, and the number of hands to be employed, which ſhall be expreſſed in the licence. *Ibid.*

Every perſon keeping ferry ſhall ſet up in the moſt public part of his houſe a copy of his licence, and the prices allowed him, under the penalty of £. 5 for every day's neglect. *Ibid.*

Licenſed ferry-keepers aſking or receiving, directly or indirectly, more than the price allowed, ſhall forfeit 20*s*. *Ibid.*

Every perſon, on obtaining licence, ſhall enter into a recognizance in the ſum of £. 50, with two ſufficient ſureties, for diligently keeping the ferry, &c. in the terms therein expreſſed. *Ibid.*

—— To pay the clerk 5*s*. for taking ſuch recognizance, making out his licence, and a copy of the rates of ferriage. *Ibid.*

Perſons licenſed to keep ferry acroſs Cheſapeake bay ſhall keep a good anchor and cable, a ſmall yawl with oars, and alſo hatches, and a ſubſtantial pair of oars and ſetting pole, under the penalty of £. 10. November, 1788, ch. 33.

The county courts have power to contract for keeping ferries at the county expence, but not at any place where ſuch ferry has not been heretofore ſo kept. 1791, ch. 65.

A ferry to be eſtabliſhed in Somerſet county. 1797, ch. 24.

An excluſive right given to William Akers to keep the ferry over the Choptank river, from the Dorcheſter and Talbot ſhore. 1799, ch. 28, § 5.

The

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FERRIES.

The juſtices of Anne-Arundel county court empowered to grant a licence for regulating, as a county ferry, a public ferry then about to be erected over South river, where a road laid out by law from the city of Annapolis to the city of Waſhington croſſes the ſaid river. *Ibid.* ch. 69.

Where new ferries have been ſet up by individuals ſince the act of 1781, the county courts are empowered to eſtabliſh and regulate ſuch ferries. 1799, ch. 83, § 2.

—— Where, by the lawful alteration of an old road, or the opening of a new one, a ferry ſhall be deemed neceſſary by the county courts, ſuch courts may eſtabliſh and regulate ſuch ferry, and give licence for keeping the ſame, &c. *Ibid.* § 3.

—— Penalty on perſons keeping ferry after the firſt day of April, 1800, without licence. *Ibid.* § 4.

—— Proviſion for condemning land for the purpoſe of ferries where the proprietors refuſe or neglect to take out licence within the time therein mentioned. *Ibid.* § 5.

The court empowered to have the neceſſary buildings erected, and the ferry rented out. *Ibid.*

FIELD-OFFICERS.

No field-officer of the militia ſhall be eligible as a ſenator, delegate or member of the council. Conſt. 45.

FIERI FACIAS.

Proviſion made for taking property at an appraiſement, where the defendant, on a *fieri facias* being iſſued, ſhews all his perſonal eſtate. 1716, ch. 16.

—— Sheriffs taking goods in execution for officers fees ſhall proceed in the ſame manner as by *fieri facias* under the above act. 1724, ch. 21, § 3.

Directions reſpecting the return of *nulla bona* on a writ of *fieri facias* before ſuit on an adminiſtration bond. 1720, ch. 24.

—— Reſpecting the iſſuing of *fieri facias* againſt the goods of inſolvent debtors acquired by deſcent, &c. 1774, ch. 28, § 6.

See INSOLVENT DEBTORS.

—— For the recovery of money due on patents. November, 1781, ch. 20, § 4.

—— For the recovery of money due to the bank of Maryland. 1790, ch. 5, § 13.

—— To the bank of Columbia. 1793, ch. 30, § 14.

See BANKS. EXECUTION.

—— From the chancery court. 1785, ch. 72, § 25, 27, 32.

See CHANCERY.

—— On actions of replevin. 1790, ch. 53, § 4.

See REPLEVIN.

—— By a juſtice of the peace after judgment on warrant. 1791, ch. 68, § 1.

See SMALL DEBTS.

—— Againſt the property of apprentices having abſconded. 1793, ch. 45, § 7.

See APPRENTICES.

On a return of *nulla bona* in the county where the judgment was obtained, the execution may be iſſued to the county where the goods, &c. of the defendant are. 1794, ch. 54, § 9.

—— The plaintiff to produce before the court to which it is returnable, a ſhort copy of the judgment, atteſted by the clerk of the court where it was obtained. *Ibid.*

A writ of *fieri facias* may iſſue on a judgment againſt executors or adminiſtrators, on which their own goods, or thoſe of the deceaſed, may be taken. 1798, No. 101, ch. 8, § 9.

Appraiſers not to be ſummoned on writs of *fieri facias* iſſued by a juſtice of the peace. 1799, ch. 86.

FINES AND FORFEITURES.

The right of impoſing them recognized. Decl. 13.

Exceſſive fines ought not to be impoſed. *Ibid.* 22.

Bills inflicting fines for the reformation of morals, enforce the execution of the laws, by which an incidenta venue may ariſe, ſhall not be accounted money bills. Conſt

All penalties and forfeitures heretofore going to the ki proprietary ſhall go to the ſtate, ſave only ſuch as the ge aſſembly may aboliſh, or otherwiſe provide for. *Ibid.* 58.

Perſons committed for any fine, &c. incurred by the brea any law, ſhall not be relieved from confinement under the vent act. November, 1792, ch. 51.

All fines, &c. by any law then in force, or thereafter inflicted, and no mode of recovery directed, to be recove follows: Where not exceeding £. 5, in the name of the and the informer, with coſts, before a juſtice of the peace county; where exceeding that ſum, in the county cour indictment or action of debt, in the name of the ſtate an informer. February, 1777, ch. 6.

The mode of proſecution to be by indictment, in acts direct it to be by bill, plaint or information. November, ch. 20.

Manner of enforcing payment of the fines recovered juſtices of the peace. February, 1777, ch. 6.

—— Of thoſe recovered by indictment. *Ibid.* 1795,

No proſecution or ſuit ſhall be commenced for an penalty or forfeiture, unleſs within one year from the February, 1777, ch. 6.

Directions for the recovery of common law fines and f recognizances. *Ibid.* ch. 13.

Liſts of fines to be returned by the clerks to the gover council. *Ibid.* § 4.

No fees to be received by the attorney-general or his for executions iſſued for fines, &c. 1791, ch. 63.

Manner of collecting and paying fines, &c. under the licenſing ordinary-keepers. March, 1780, ch. 24, § 3,

The whole, or any part of any fine, &c. impoſed in an of law, may be remitted by the governor and council, p if it be certain, and not in the diſcretion of the court, caſe of the perſon be ſtated in writing by the court ſuch fine, and a recommendation be made for a remiſſio whole or ſome part by the court. April, 1782, ch. 42

—— The members remitting ſuch fine ſhall cauſe th the party to be entered at large on the proceedings, and their names thereto. *Ibid.*

No *nolle proſequi* ſhall be granted by the governor i any proſecution by preſentment or indictment for the of any fine, penalty or forfeiture only. *Ibid.* § 4.

The judgment of forfeiture of property in caſes o ſhall be as heretofore. *Ibid.* § 6.

Every fine, penalty or forfeiture, for any offence, treaſon at common law, or by any act of aſſembly,) in the general or any county courts on the eaſtern ſhor judge or juſtice thereof, ſhall be paid to the treaſur ſhore for the uſe of Waſhington college. 1784, ch.

—— A ſimilar application of the fines, &c. on th ſhore for the uſe of Saint-John's college. *Ibid.* ch. 3

The commiſſioners of the city of Waſhington emp enforce their regulations by penalties not exceeding be recovered before a juſtice of the peace. 1791, ch.

Fines to be recovered by action of debt or indictme

On millers taking greater toll than is therein allowed, tobacco. 1704, ch. 16, § 6.

On overſeers neglecting when appointed to clear 500 lbs. tobacco. *Ibid.* ch. 21, § 4.

On clerks omitting to iſſue warrants therefor, 10 bacco. *Ibid.*

I N D E X.

FINES AND FORFEITURES.

heriffs neglecting to deliver ſuch warrants, 1000 lbs. to- *Ibid.*

exceſſive uſury, the treble value of the money, &c. con- lent or bargained for. *Ibid.* ch. 69, § 3.

breaking open private letters, £. 5. 1713, ch. 2, § 8.

breaking open public letters, £. 20. *Ibid.* § 9.

ſelling by any dry meaſure not ſtamped at the ſtandard, tobacco. 1715, ch. 10.

For buying by ſuch dry meaſure, if proſecuted within £. 5. November, 1765, ch. 1.

ſhooting, hunting, or carrying a gun on any ſeated plan- by perſons convicted of thieving or hog-ſtealing, or being ame, 1000 lbs. tobacco. 1715, ch. 26, § 7.

erſons committing adultery, £. 3, or 1200 lbs. tobacco. 27, § 3.

fficers of the peace, ſheriffs and deputy-ſheriffs, clerks or clerks, pleading as attornies, 3000 lbs. tobacco. *Ibid.* § 9.

dealing with ſervants or ſlaves without leave, 2000 lbs. *Ibid.* ch. 44, § 11.

heriffs demanding bail bonds to a greater amount than is mentioned, 4000 lbs. tobacco. *Ibid.* ch. 46, § 3.

attornies iſſuing criminal proceſs from the general court preſentment or order as therein mentioned, 5000 lbs. to- *Ibid.* ch. 48, § 1.

In the county courts, 2500 lbs. tobacco. *Ibid.* § 2.

On clerks of the general court ſo iſſuing, 5000 lbs. to- *Ibid.* § 3.

On clerks of the county courts, 2500 lbs. tobacco. *Ibid.*

clerks delivering blank writs, 6000 lbs. tobacco. *Ibid.*

jurors giving more to a jury than is therein directed, in general court, not exceeding 6000 lbs. tobacco. 1719, ch. 2.

In the county courts, not exceeding 2000 lbs. tobacco.

attornies neglecting their duty as therein ſtated to the pre- their clients, in the general court, 5000 lbs. tobacco. ch. 14, § 2.

In the county courts, 2000 lbs. tobacco. *Ibid.*

perſons cutting down or otherwiſe deſtroying any bounda- marked trees, 5000 lbs. tobacco. 1722, ch. 8, § 2.

On perſons ſetting up boundaries otherwiſe than is there- directed, 5000 lbs. tobacco. *Ibid.* § 3.

heriffs or their deputies omitting to read the act to pre- tumultuous meetings of ſlaves, &c. at every county 500 lbs. tobacco. 1723, ch. 15, § 8.

ſickekeepers ſelling any ſtrong liquor on Sundays, (except of abſolute neceſſity,) or ſuffering any drunkenneſs, &c. if proſecuted within ſix months, 2000 lbs. tobac- ch. 16, § 11, 15.

heriffs refuſing to diſcount debts due from them out of the dues, &c. 2000 lbs. tobacco. 1724, ch. 21, § 4.

clerks of courts or regiſters refuſing to deliver to defend- required, full copies of all coſts recovered againſt them, tobacco. 1731, ch. 15, § 3.

loading ballaſt contrary to the proviſion therein contain- 1734, ch. 16, § 2.

building wears or hedges contrary thereto, £. 10. *Ibid.*

perſons ſetting up barrels for pork, &c. of leſs ſize than directed, for every barrel 2/6. 1745, ch. 15, § 3.

packing pork or beef in leſs quantities than herein pre- for every barrel 10/. *Ibid.* § 4.

Selling barrels of pork, &c. of leſs ſize or quantity, barrel 10/. *Ibid.* § 5.

FINES AND FORFEITURES.

—— Selling tar, turpentine or pitch, in barrels or in quality contrary to this act, for every barrel 2/6. *Ibid.* § 6.

—— For barrels of pork, tar, &c. ſo imported, the ſame fine. *Ibid.* § 7.

On perſons not marking barrels of flour or bread for ſale, for every barrel 5/. *Ibid.* § 8.

On clerks or regiſters removing from their offices any books, &c. and ſuffering them to be kept out between eleven at night and ſix in the morning, £. 10. 1747, ch. 3, § 10, 1748, ch. 7.

On perſons entertaining ſervants or ſlaves, for every hour 100 lbs. tobacco. 1748, ch. 19, § 2.

—— If exceeding 600 lbs. tobacco, to be recovered in the county court. *Ibid.*

On ſheriffs for not reading the act for the more effectual puniſhment of negroes, &c. as therein directed, £. 5. 1751, ch. 14, § 11.

On perſons not making cauſeways and bridges over branches where mills are built, on which public roads croſs, £. 20. 1753, ch. 16, § 2.

—— For not making cauſeways, &c. over branches below ſuch mills, £. 20. 1756, ch. 12.

For a breach of quarantine, £. 100. November, 1766, ch. 25, § 3.

For ſetting up wears, &c. in Suſquehanna or Patuxent rivers, £. 20. 1768, ch. 4, § 2, 6.

For catching fiſh in a ſeine in Patuxent river above Mount Calvert, from the 20th of February to the 20th of May, except on Tueſdays, Wedneſdays, Thurſdays and Fridays, £. 10. *Ibid.* § 5.

For erecting fiſh-dams, &c. in certain parts of Patowmack river, £. 15. *Ibid.* ch. 5, § 2.

—— For obſtructing the pulling down of ſuch dams, £. 20. *Ibid.* § 3.

On perſons refuſing or neglecting to act when appointed truſtees of the poor, £. 10. *Ibid.* ch. 29, § 6.

On overſeers of the poor receiving any perſon who does not wear the mark or badge therein preſcribed, £. 5. *Ibid.* § 20.

On perſons ſetting up booths, &c. for the ſale of ſtrong liquors on land purchaſed for an alms-houſe, or committing any treſpaſs thereon, or ſelling ſtrong liquors to any perſon entertained therein, £. 10. *Ibid.* § 21.

For taking up horſes, &c. contrary to the act aſcertaining the height of fences, £. 10. 1769, ch. 18, § 3.

For marrying within the three degrees of lineal conſanguinity, or within the firſt degree of collateral conſanguinity, £. 500. February, 1777, ch. 12, § 2.

For marrying within any other of the degrees of kindred, or within the degrees of affinity therein expreſſed, £. 200. *Ibid.* 1785, ch. 35, 1790, ch. 20.

For celebrating the rites of marriage, (unleſs by miniſters of the church of England, diſſenting miniſters, Romiſh prieſts, or in ſuch manner as has been practiſed by the ſociety of quakers,) £. 500. February, 1777, ch. 12, § 3.

On miniſters for celebrating the rites of marriage between perſons related within the degrees above mentioned, £. 500. *Ibid.* § 4.

On perſons marrying in the ſtate without a licence or publication, £. 500. *Ibid.* § 5.

On miniſters ſo marrying ſuch perſons, £. 500. *Ibid.*

On miniſters going out of their county, or out of the ſtate, and ſo marrying any perſons belonging to the ſtate, £. 500. *Ibid.*

On perſons belonging to this ſtate going out and there marrying with perſons belonging thereto contrary to this act, £. 500. *Ibid.* § 6.

On miniſters omitting to return annually in November to the treaſurer liſts of marriages celebrated by them, £. 200. *Ibid.* § 8.

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On miniſters joining in marriage any male perſon under the age of 21, or any female under the age of 16, (and not before married,) without the conſent of the parent or guardian perſonally given, or ſignified under hand and ſeal, and atteſted by two witneſſes, £. 500. *Ibid.* § 9.

On miniſters wilfully publiſhing the bands of marriage between ſervants, or between free perſons and ſervants, or wittingly celebrating marriage between any ſuch, without leave of their maſter or miſtreſs, £. 50. *Ibid.* § 11.

On clerks omitting to deliver to the governor and council yearly, on or before the 15th of December, liſts of fines, &c. in their courts, £. 200. *Ibid.* ch. 13, § 4.

Fines impoſed under the act to puniſh certain crimes and miſdemeanors, and to prevent the growth of toryiſm. *Ibid.* ch. 20.

Fines on officers taking greater fees than are therein limitted, £. 50. November, 1779, ch. 25, § 1.

On regiſters of wills for demanding or receiving any fee, gratuity, &c. for giving their ſervices in any thing relating to their offices, £. 50. *Ibid.* § 7.

On officers named in this act omitting to take the oath therein preſcribed, £. 150. *Ibid.* § 8.

On deputies and under clerks refuſing or neglecting to take the oath therein preſcribed, £. 100. *Ibid.* § 9.

On judges, &c. for refuſing or neglecting to adminiſter ſuch oath, £. 50. *Ibid.*

—— For refuſing or neglecting to return the ſame within twenty days to the general or county court offices, £. 20. *Ibid.*

On the officers herein mentioned for neglecting to ſet up and keep in their offices a table of their fees, for every month, £. 50. *Ibid.* § 10.

—— For ſending out their fees on execution more than once in every year, between the firſt of January and firſt of March, £. 200. *Ibid.* § 11.

—— No proſecution or ſuit to be commenced for any penalty or forfeiture impoſed by this act unleſs within one year from the offence. *Ibid.* § 30.

Fines on ordinary-keepers for not ſetting up in their houſes copies of the rates allowed by the courts, 600 lbs. tobacco. March, 1780, ch. 24, § 4.

—— For demanding or receiving more than the rates, 300 lbs. tobacco. *Ibid.*

—— For not providing beds, &c. as therein preſcribed, 800 lbs. tobacco. *Ibid.* § 5.

—— For keeping ordinaries after being ſuſpended, 600 lbs. tobacco. *Ibid.* § 8.

—— For keeping ordinaries before ſuppreſſed without licence firſt obtained, for every month, 1000 lbs. tobacco. *Ibid.* § 9.

—— For neglecting to keep ſealed meaſures, and refuſing or neglecting to ſell by ſuch, 600 lbs. tobacco. *Ibid.* § 10.

On perſons not licenſed ſelling any ſpirituous liquor, mixed or unmixed, and ſuffering any part to be drank in or about their houſes or plantations, 600 lbs. tobacco. *Ibid.* § 11.

—— For ſelling ſuch liquors at or near the court-houſes, 600 lbs. tobacco. *Ibid.*

—— At or near the place of any muſter or training of militia, 600 lbs. tobacco. *Ibid.*

—— For ſelling ſuch liquors on board any veſſel, and ſuffering the ſame to be drank therein, except to ſailors, &c. 600 lbs. tobacco. *Ibid.*

On licenſed perſons for ſelling liquor at horſe-races after ſunſet, 800 lbs. tobacco. *Ibid.* § 15.

On perſons travelling as hawkers and pedlers on the eaſtern ſhore without licence, £. 10. 1784, ch. 7, § 6, 1799, ch. 46.

—— On perſons ſo travelling on the weſtern ſhore, £. 10. 1784, ch. 37, § 23, 1799, ch. 46.

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On perſons retailing ſpirituous liquor on the eaſt without licence, £. 6. 1784, ch. 7, § 7.

—— On the weſtern ſhore, £. 6. *Ibid.* ch. 37, §

On perſons ſelling ſuch liquor at horſe-races on th ſhore without licence, £. 20. *Ibid.* ch. 7, § 13.

—— On the weſtern ſhore, £. 20. *Ibid.* ch. 37,

On regiſters of wills for exacting or taking any fee, &c. for advice in any matters to be tranſacted in the £. 30. 1786, ch. 10.

On pilots undertaking to conduct or pilot any ve they keep a boat of the dimenſions therein preſcribe November, 1787, ch. 26, § 5.

On perſons not having warrants as pilots conducting ing any veſſel bound in or out, £. 50. *Ibid.* § 6.

On more than three pilots being in partnerſhip, each *Ibid.* § 7.

On pilots ſtanding out to ſea and not offering their ſ the veſſel neareſt the land, or in moſt diſtreſs, £. § 11.

On pilots, (not being hindered by ſickneſs, &c.) r go on board any veſſel, when required by the maſter, t their offices, £. 50. *Ibid.*

On pilots offering their ſervices, and not ſhewing rant of appointment and licence, £. 5. *Ibid.*

On pilots neglecting when they receive their pilota duce a copy of this act to the maſter of the veſſel, £. § 15.

—— On their refuſing on requeſt to produce ſuch co *Ibid.*

On perſons killing deer, except from the 15th of S to the 15th of December yearly, £. 5. 1789, ch. 5,

—— On maſters ſuffering their ſlaves to kill deer c this act, £. 5. *Ibid.* § 3.

On county ſurveyors, or their deputies, knowingly any certificate of ſurvey to the land-office contrary t not leſs than £. 25, nor more than £. 100. *Ibid.* § 3.

On the clerk of the ſenate or of the houſe of del fuſing or neglecting to comply with the directions of t ſpecting public letters, £. 20. 1790, ch. 51, § 2.

—— On the printer of the ſtate neglecting or r print, depoſit, &c. the votes and proceedings, laws a tions, as therein directed, £. 50. *Ibid.* § 3.

—— On the clerk of the council neglecting to de votes, &c. to the ſheriff of Anne-Arundel county, £. § 4.

—— On ſheriffs for not complying with this ac *Ibid.* § 8, 12.

—— On deputy-ſheriffs for not ſo complying, £. § 13.

—— On perſons wilfully breaking the ſeal of any ter or package belonging to the public, or any letter rected to private perſons, £. 100. *Ibid.* § 11.

On judges or juſtices omitting to return ſuperſedea 1791, ch. 67, § 4.

—— On perſons ſetting fire to the Catoctin or Nor tains, in the manner therein mentioned, not exceedi November, 1792, ch. 49.

On perſons or corporations propoſing to the public the permiſſion of the legiſlature, any ſcheme of a lot drawn within this ſtate, or for the diſpoſal of any kin perty lying or being therein, £. 500. *Ibid.* ch. 58, §

—— On perſons ſelling, or offering for ſale, in any ticket in any lottery not authoriſed by the legiſlat the congreſs of the United States, for every ticket, £. § 2, 3, 4.

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the inſpectors of pot and pearl-aſh, who, during their continuance in office, ſhall vend, barter, or trade in thoſe articles, ... *Ibid.* ch. 65, § 2.

On perſons ſhipping or receiving pot or pearl-aſh not inſpected and marked, &c. or having the marks counterfeited, or having been condemned, £. 25. *Ibid.* § 6.

On perſons marking any caſk containing pot or pearl-aſh, or altering the marks of the inſpector, £. 50. *Ibid.*

On perſons reſiſting the inſpector in ſearching ſuſpected caſks, £. 20. *Ibid.* § 7.

Maſters neglecting to lodge indentures of apprenticeſhip with regiſters of the orphans courts within thirty days, £. 3. ... ch. 45, § 4.

On truſtees of the poor taking ſuch indentures and neglecting ſo to lodge them, £. 3. *Ibid.* § 5.

An apprentice being fined, the court ſhall adjudge the time he ſhall ſerve his maſter, on his paying the fine for him. ... 10.

Perſons harbouring apprentices to ſuffer the ſame penalties as harbourers of ſervants. *Ibid.* § 16.

Fine on maſters of veſſels coming to the port of Baltimore unloading, &c. without a licence from the health officer, ... dollars. 1793, ch. 56, § 3.

On their concealing infected perſons, and not making a diſcovery of the ſtate of the veſſel, perſons, &c. 300 dollars. *Ibid.* § 4.

On pilots for tranſgreſſing the ſeveral regulations therein mentioned, for each, 100 dollars. *Ibid.* § 5.

PILOTS.

Altering, changing, obſtructing or encroaching upon, any roads therein mentioned, or cutting down or deſtroying the bridges, boundaries, &c. not exceeding £. 50. 1794, ch. 14.

County clerks neglecting to tranſmit annually, within one month after the county aſſeſſment, a copy thereof to the general council, £. 50. *Ibid.* ch. 53, § 2.

On their neglecting to deliver, within ten days after the ſame, a copy to the collector, £. 200. *Ibid.*

Perſons making wears, or falling trees acroſs Pocomoke ... £. 10. 1796, ch. 17, § 20.

Perſons whipping or beating the water in Patuxent river ... this act, 100 dollars. *Ibid.* ch. 32, § 2.

On the maſters of ſlaves ſo offending, 20 dollars. *Ibid.*

On juſtices of the peace not accounting for money received this act, 200 dollars. *Ibid.* § 4.

Aſſociate juſtices and juſtices of the peace taking greater fees ... are there allowed, 100 dollars. *Ibid.* ch. 43, § 33.

Perſons forcibly or fraudulently carrying, or cauſing to be carried out of this ſtate, any free negro or mulatto, knowing ... negro or mulatto to be free, 800 dollars. *Ibid.* ch. 67, § 15.

On perſons ſo carrying, or cauſing to be carried, out of this ſtate any negro or mulatto entitled to freedom at a certain time, ... ſelling, or cauſing ſuch negro, &c. to be ſold as ... for life, or for a longer time than he has to ſerve by law, ... him to be ſo entitled, 800 dollars. *Ibid.* § 16.

On perſons bringing into this ſtate negroes, &c. ſo entitled to freedom at a certain age, and ſelling them, &c. as in ... preceding article, 800 dollars. *Ibid.* § 17.

On negroes or mulattoes giving or ſelling their certificates ... or to any ſlave to enable him to abſcond from his maſter, ... exceeding 300 dollars. *Ibid.* § 18.

On perſons giving a paſs to any ſlave or perſon held to ſervice aſſiſting their tranſportation, or by other unlawful means ... depriving the owners of their ſervices, 200 dollars. *Ibid.*

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On county clerks iſſuing marriage licences contrary to the act to ſecure the duties on them, 50 dollars. 1797, ch. 38, § 1.

—— Neglecting to apply annually to the treaſurer for blank marriage licences on or before the firſt of May, 100 dollars. *Ibid.* § 4.

On regiſters of wills taking greater fees than are therein limitted, 150 dollars. *Ibid.* ch. 76.

On ſheriffs and coroners neglecting to take the oath or affirmation therein preſcribed, and to return a certificate thereof, 50 dollars. *Ibid.* ch. 87, § 2.

On aſſeſſors neglecting to return to the commiſſioners of the tax certificates for the valuation of real and perſonal property in their diſtrict, not exceeding £. 50. *Ibid.* ch. 89, § 10.

—— On perſons refuſing, or after reaſonable notice neglecting, to give an account of their property to the aſſeſſor, not exceeding £. 50. *Ibid.* § 15.

—— On perſons removing their property to eſcape being aſſeſſed, £. 50. *Ibid.* § 20.

—— On the commiſſioners failing to meet as therein directed to hear appeals from the valuation of aſſeſſors, not exceeding £. 20. *Ibid.* § 21.

—— Neglecting to deliver to the ſheriffs ſummary accounts of perſonal property, to be forwarded to the clerk of the houſe of delegates, each, £. 50. *Ibid.* § 27.

—— On ſheriffs neglecting to forward the ſame as public letters, £. 50. *Ibid.*

—— On perſons removing who refuſe to give an account thereof to the collector or his deputy, not exceeding £. 50. *Ibid.* § 30.

On perſons ſetting up or keeping E. O. A. B. C. L. S. D. or faro tables, or other devices, (except billiard tables,) for the purpoſe of gaming for money, in any dwelling-houſe, &c. occupied by a tavern-keeper, retailer, &c. whether licenſed or not, £. 50. *Ibid.* ch. 110, § 2.

For maliciouſly ſetting on fire any woods, fences, &c. in the counties therein mentioned, not exceeding 100 dollars. 1798, ch. 39, § 2.

On perſons purchaſing, leaſing, &c. from the Indians, the lands therein mentioned in Dorcheſter county, 200 dollars. *Ibid.* ch. 82, § 10.

On perſons, not already practitioners of medicine or ſurgery, practiſing and receiving payment without a licence certified as therein preſcribed, 50 dollars. *Ibid.* ch. 105, § 6.

On perſons keeping for uſe a billiard table without obtaining a licence as directed by this act, 150 dollars. *Ibid.* ch. 113, § 3.

—— On perſons omitting to renew their licences, and keeping open their billiard tables, 150 dollars. *Ibid.* § 2.

—— On county clerks omitting to lay before every ſeſſion of the levy court a return of the ſums received under this act, 50 dollars. *Ibid.* § 5.

On perſons holding any office of profit or truſt under the government of the United States, or whoſe office under this ſtate ſhall be vacated by the late proviſions of the conſtitution, who ſhall, after the 1ſt of March, 1800, execute any office under this ſtate, not exceeding 100 dollars. 1799, ch. 68.

On perſons after the 1ſt of April, 1800, keeping ferry without licence, 50 dollars. *Ibid.* ch. 83, § 4.

On clerks or ſheriffs neglecting to make out and deliver warrants to the judges of elections, 50 dollars. *Ibid.* ch. 50, § 3.

On juſtices not attending at nine o'clock on the day of election, unleſs prevented by ſickneſs, &c. 50 dollars. *Ibid* § 5.

On ſheriffs neglecting to deliver the warrants therein mentioned on an election to fill a vacancy, 10 dollars. *Ibid.* § 6.

On ſheriffs neglecting to provide the judges with blank books, 50 dollars. *Ibid.* § 7.

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On perſons who, having voted, offer to vote again in the ſame diſtrict or county, 10 dollars. *Ibid.* § 12.

On perſons voting in names not their own, or in the place of any other perſon of the ſame name, 10 dollars. *Ibid.*

On perſons reſiding out of the diſtrict or county offering to vote therein, 10 dollars. *Ibid.*

On perſons reſiding out of the ſtate offering to vote therein, 20 dollars. *Ibid.*

On perſons voting twice at one election, 40 dollars. *Ibid.* § 13.

On the judges not attending as therein directed to examine and return the votes and ballots, 500 dollars. *Ibid.* § 15.

On candidates or other perſons practiſing force and violence at an election, not exceeding 250 dollars. *Ibid.* § 17.

On perſons giving or promiſing any gift or reward to ſecure any perſon's vote, not exceeding 500 dollars. *Ibid.* § 18.

On the commiſſioners for laying off the election diſtricts not ſignifying their refuſal by the time therein preſcribed, and failing to perform the duties under this act, 50 dollars. *Ibid.* § 21.

Fines by this act to be recovered by indictment.

The agent authoriſed to ſuperintend the collection of all fines and forfeitures. 1799, ch. 80, § 4.

Forfeiture on perſons cutting up tobacco plants belonging to other perſons, to the party grieved, £. 100. 1744, ch. 5.

Fines to be recovered before a juſtice of the peace, viz.

For not appearing at the clearing of the highways in the counties not included in the acts of 1794, &c. for every labourer 100 lbs. tobacco; the maſter for every ſervant not ſent out, 100 lbs. tobacco. 1704, ch. 21, § 4, 1723, ch. 17.

On perſons refuſing, when required, to repair with the conſtable to ſuſpected places, 100 lbs. tobacco. 1723, ch. 15, § 3.

—— On perſons being preſent refuſing to aid the conſtable in preventing the meeting of negroes, &c. 100 lbs. tobacco. *Ibid.*

—— On perſons encouraging negroes or other ſlaves to meet in companies on their plantations, except on lawful occaſions, 1000 lbs. tobacco. *Ibid.* § 5.

—— On the owners of negroes, &c. ſuffering them to keep horſes, or to raiſe cattle or hogs, as their own, 500 lbs. tobacco. *Ibid.* § 6.

For profanely ſwearing or curſing before a magiſtrate, &c. for the firſt oath 2/6, and for every oath or curſe after, 5/. *Ibid.* ch. 16, § 2.

—— For being drunk in the preſence of ſuch magiſtrate, &c. 5/. *Ibid.* § 3.

—— On perſons working or doing any bodily labour on Sunday, or that having children, ſervants or ſlaves, ſhall command or willingly ſuffer them ſo to work, (except works of neceſſity or charity,) or to profane the Lord's day by gaming, fiſhing, &c. or unlawful recreations, 200 lbs. tobacco. *Ibid.* § 10.

For hunting in any encloſed grounds, iſlands, peninſulas or necks, fenced from water to water, without leave, 200 lbs. tobacco. 1728, ch. 7, § 7.

On perſons ſetting up barrels for pork, &c. of leſs ſize than herein directed, for every barrel 2/6. 1745, ch. 15, § 3.

—— Packing pork or beef in leſs quantities than herein preſcribed, for every barrel 10/. *Ibid.* § 4.

—— Selling barrels of pork, &c. of leſs ſize or quantity, for every barrel 10/. *Ibid.* § 5.

—— Selling tar, turpentine or pitch, in barrels or in quality contrary to this act, for every barrel 2/6. *Ibid.* § 6.

—— For barrels of pork, tar, &c. ſo imported, the ſame fines. *Ibid.* § 7.

—— On perſons not marking barrels of flour or bread for ſale, for every barrel 5/. *Ibid.* § 8.

On county clerks not attending at the court-houſes as therein directed, 600 lbs. tobacco. 1748, ch. 7, § 3.

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On perſons entertaining ſervants or ſlaves, for every 100 lbs. tobacco. *Ibid.* ch. 19, § 2.

—— If not exceeding 600 lbs. tobacco to be recovered a ſingle magiſtrate. *Ibid.*

On county clerks omitting to ſignify the appointments ſtables under their hands, and to deliver them to the within five days, 20/. 1752, ch. 7, § 2.

—— On ſheriffs neglecting to deliver or leave ſuch ments within ten days, 20/. *Ibid.*

On county clerks not bringing their four laſt court and papers, 30/. September, 1770, ch. 10, § 2.

On ordinary-keepers harbouring, entertaining, or ſe quors to an apprentice or ſervant, without leave in 160 lbs. tobacco. March, 1780, ch. 24, § 17.

On perſons keeping ferry without licence, £. 5. No 1781, ch. 22, § 1.

—— On licenſed perſons for not ſetting up in their copy of the licence and the price allowed, for every copy ſhall not be ſet up £. 5. *Ibid.* § 2.

—— On aſking or receiving more than the price allow *Ibid.*

—— On perſons licenſed to keep ferry acroſs the Ch omitting to keep an anchor, yawl, &c. £. 10. N 1788, ch. 33.

On licenſed retailers of ſpirituous liquors not ſelling measures, 20/. 1784, ch. 7, § 10, ch. 37, § 27.

—— On their retailing ſuch liquors between the hou ven at night on Saturdays and five in the morning on 40/. *Ibid.* ch. 7, § 12, ch. 37, § 29.

On perſons permitting a ſlave, (not being a pilot,) large or hire himſelf, except at harveſt, for every mo April, 1787, ch. 33, § 1.

—— On perſons hiring ſuch ſlaves by contract, month, £. 5. *Ibid.* § 2.

For holding fairs or ſetting up booths at any public to ſell or exchange any goods, &c. £. 5. 1790, § 2.

On the truſtees of the poor neglecting to lodge ind apprenticeſhip taken by them with the county cler 1791, ch. 21, § 2, 1793, ch. 24.

For making a wear or hedge on Rock creek within of Patowmack river, £. 10. November, 1792, ch. 6

—— For fiſhing ſuch wear or hedge, £. 5. *Ibid.*

On clerks neglecting to deliver to the ſheriffs warra ſupervifors of the public roads within ten days after th dered, £. 5. 1794, ch. 52, § 8.

—— On ſheriffs neglecting to deliver ſuch warrants perviſors, £. 5. *Ibid.*

—— On ſupervifors failing in any part of their d roads, unleſs the money ſhould be expended, £. 5. *Ibi*

On pariſh regiſters refuſing to enrol any perſon o teſtant epiſcopal church applying therefor on the books riſh, 8 dollars. 1798, ch. 24, § 3.

—— Refuſing to enter any baptiſm, marriage or the pariſh, made known to them, 8 dollars. *Ibid.* §

—— On miniſters or veſtrymen failing in the dut aſſigned them, 8 dollars. *Ibid.*

—— On veſtrymen neglecting or refuſing to appoint or to provide him with record books, 5 dollars. *Ibid.*

—— Abſenting themſelves from any meeting with cuſe allowed by the reſt, not leſs than two dollars than 8 dollars. *Ibid.* § 25.

—— On regiſters not giving to veſtrymen convenien their election, 20 dollars. *Ibid.* § 26.

—— On veſtrymen ſo notified refuſing to ſerve, cuſed as therein allowed, 20 dollars. *Ibid.*

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— On churchwardens ſo refuſing, unleſs excuſed as therein
ved, 10 dollars. *Ibid.*
h conſtables, or perſons ſummoned by them, neglecting to
aſſiſtance for the ſaving of any veſſel or cargo as required
he wreck-maſter therein appointed, £. 10. 1799, ch. 82,

ower of magiſtrates to impoſe fines on perſons behaving
ently to them in the execution of their offices. 1719,
4, § 3.
nes to be impoſed by courts for contempt, &c.
h ſheriffs not giving twenty days notice to jurors ſummoned
e general court, 1000 lbs. tobacco. 1715, ch. 37, § 1.
— Not giving ten days notice to jurors ſummoned to the
y courts, 500 lbs. tobacco. *Ibid.* § 2.
e juſtices of the general and county courts may make rules
orders for the regulation of their courts, under ſuch fines
forfeitures as they ſhall think fit, in the general court, not
ding 1000 lbs. tobacco, in the county courts, not exceeding
bs. tobacco. *Ibid.* ch. 41, § 2.
e judges of the ſeveral courts are authoriſed to obſerve the
nor of all practitioners of the law before them, and all
erial officers and other perſons, and to puniſh thoſe uſing
decent liberties, by fine not exceeding, in the ſuperior
, 4000 lbs. tobacco, in the county courts, 2000 lbs. tobac-
1719, ch. 4, § 2.
itneſſes ſummoned from one county to another liable to
ment and fine as in other caſes. October, 1777, ch. 12,
1795, ch. 23.
pœnas may iſſue from the chancery or from the general
to procure the attendance of witneſſes before the chan-
on a *caveat* in the land-office, and ſuch witneſſes may be
d and fined as in other caſes. April, 1782, ch. 38,

— Witneſſes not attending the ſummons of the regiſter of
d-office for the eaſtern ſhore may be attached and fined
judge as in the general court. 1795, ch. 61, § 12.
s on jurymen and witneſſes not attending when ſummon-
exceeding, in the general court, £. 30, in the county
£. 20. April, 1782, ch. 40, § 1.
— On conſtables neglecting to act, and to qualify within
days, or to find proper perſons in their ſtead, not exceed-
10. *Ibid.* § 2.
the proper perſon not appearing when ſummoned in caſes
ould have abated by the death of a party, £. 10. 1785,
§ 1.
neſſes ſummoned on commiſſions for marking and bound-
ds are ſubject to attachment and fine as in other caſes.
ch. 33, § 4.
ots are not returned from the neglect of any ſurveyor,
rt may make him pay the coſts of the term, and impoſe
e as the circumſtances may require. November, 1787,
§ 4.
writs or warrants of reſurvey from the general or any
court, the ſheriff or coroner, as heretofore, ſhall ſummon
s, and on proof of ſuch ſummons, and their non-appear-
ale to the court, attachment of contempt may iſſue as in
ſes. 1789, ch. 35, § 7.
neſſes may be fined by the county courts on attachment
juſtices of the peace againſt them for not attending on
not exceeding 20*ſ.* 1791, ch. 68, § 8.
ables not returning warrants, or failing to produce per-
ten, may be fined by the juſtice, not exceeding 7*ſ*6.
11.
— Sheriffs neglecting to return executions may be ſo fined,
eeding 10*ſ.* *Ibid.* § 12.
ions to be iſſued for ſuch fines. *Ibid.* § 14.

FINES AND FORFEITURES.

For every contempt incurred in the chancery court there ſhall be paid to the regiſter, (and be accounted for,) a fine not exceeding £. 10. 1785, ch. 72, § 22.

A fine to be ordered and enforced againſt ſheriffs for not bringing in perſons taken by them. *Ibid.* § 23.

—— For refuſing, neglecting or delaying, to make returns of proceſs, not exceeding £. 10. *Ibid.* § 24.

The attendance of witneſſes ſummoned by the governor and council, on complaints, &c. may be enforced as in the general court. 1786, ch. 22.

Witneſſes ſummoned from other counties to Baltimore criminal court may be attached and fined as in other caſes. 1793, ch. 57, § 30.

—— Sheriffs neglecting or delaying in ſuch caſes are liable to fine by the ſaid court. *Ibid.*

—— Jurors and witneſſes failing to attend when ſummoned to the ſaid court may be fined not exceeding £. 10. 1799, ch. 58, § 5, 7.

On failure to return an inventory, the orphans court may fine the executor, &c. not exceeding 30 dollars. 1798, No. 101, ch. 6, § 6.

On a guardian's failing to account as herein directed, he ſhall be liable to attachment and fine in the orphans court, but not in a court of law. *Ibid.* ch. 12, § 14.

Executors, adminiſtrators, or former guardians appointed by the orphans court, failing to comply with the order thereof for the delivery of an eſtate to a guardian, may be attached and fined, not exceeding 30 dollars. *Ibid.* ch. 15, § 13.

Sheriffs and coroners liable to attachment and fine for not ſerving and returning proceſs. *Ibid.* § 14, 15.

For fines impoſed on the militia, ſee MILITIA.

Acts impoſing fines in particular counties, viz.

In Saint-Mary's county. November, 1773, ch. 18, 1790, ch. 3, 1799, ch. 73.

In Kent county. 1784, ch. 2, November, 1787, ch. 11, November, 1792, ch. 16, ch. 40, 1793, ch. 22, 1796, ch. 50, 1798, ch. 41.

In Talbot county. 1790, ch. 3, ch. 14, 1794, ch. 67, 1797, ch. 63.

In Somerſet county. 1790, ch. 3, 1799, ch. 18.

In Dorcheſter county. 1790, ch. 3, 1799, ch. 6, ch. 18.

In Cæcil county. April, 1787, ch. 31, 1793, ch. 42, 1794, ch. 19, ch. 25.

In Anne-Arundel county. 1791, ch. 49.

In Baltimore county. 1774, ch. 23, April, 1787, ch. 23, 1791, ch. 59, ch. 69, 1796, ch. 44, ch. 68, 1797, ch. 70.

In Queen-Anne's county. 1794, ch. 25, 1796, ch. 18.

In Worceſter county. 1790, ch. 3, 1799, ch. 82.

In Frederick county. 1794, ch. 9, ch. 32, 1795, ch. 14.

In Harford county. 1790, ch. 49, 1791, ch. 70.

In Caroline county. 1790, ch. 3, 1794, ch. 25.

In Waſhington county. 1793, ch. 9, 1797, ch. 34.

In Montgomery county. 1789, ch. 23, November, 1792, ch. 46, 1794, ch. 25, 1797, ch. 56.

FIRE.

The Baltimore inſurance fire company eſtabliſhed. April, 1787, ch. 20.

The Maryland inſurance fire company erected at Baltimore. 1791, ch. 69.

—— A ſupplement to that act. November, 1792, ch. 11.

The George-town mutual inſurance company againſt fire on goods, houſes and furniture, erected. 1798, ch. 97.

Penalty on perſons ſetting on fire the Catoctin, South or North Mountains. November, 1792, ch. 49.

—— On perſons maliciouſly ſetting on fire any woods, fences, &c. in the counties therein mentioned. 1798, ch. 39.

I N D E X.

FISH.

Penalty on perſons building wears, &c. in Suſquehanna or Patuxent rivers, ſo as to obſtruct the fiſh. 1768, ch. 4, § 2.

—— On taking fiſh in ſuch wears. *Ibid.*

—— On perſons uſing the ſean to catch fiſh in Patuxent river from Mount Calvert upwards, except on Tueſdays, Wedneſdays, Thurſdays and Fridays, from the 20th of February to the 20th of May yearly. *Ibid.* § 5.

On perſons whipping or beating the river Patuxent with poles or ſticks to drive the fiſh, between the firſt of February and firſt of June. 1796, ch. 32.

FLOUR.

Regulations reſpecting flour at Charles-town, in Cæcil county. 1744, ch. 22, § 9 to 14.

An act to prevent the exportation of flour not merchantable from Havre-de-Grace. 1796, ch. 21.

—— From Cheſter. 1797, ch. 7.

FOREIGNERS.

Manner of becoming naturalized, *(prior to the adoption of the general government and to the laws paſſed under it.)* July, 1779, ch. 6.

Mortgages made to foreigners for money lent to be good and valid. 1784, ch. 58, § 2.

—— Proceedings againſt them when mortgagors. 1785, ch. 72, § 29.

—— Deviſees may be proceeded againſt without joining the heir at law in the action, if ſuch heir is not a citizen or reſident. 1797, ch. 113.

Aliens and foreigners indicted for any offence committed within this ſtate ſhall be tried by a jury of the country, in the ſame manner as natives and citizens of the ſtate are for ſimilar offences, and there ſhall be no challenge to the array or polls of the jury for want of foreigners on the pannel. 1789, ch. 22, § 5.

All foreigners, who ſince their ſettlement in the ſtate have acquired and poſſeſſed property, and have a juſt title thereto, empowered to hold the ſame as fully as if they had naturalized themſelves according to the proviſions of the act of July, 1779, ch. 6. *Ibid.* ch. 24, § 2, November, 1792, ch. 14, § 2.

—— Provided that they ſhould naturalize themſelves in the mode preſcribed, (by the firſt act,) on or before the firſt day of June, 1790, and, (by the latter act,) on or before the firſt day of Auguſt, 1793. *Ibid.* § 4.

—— No application to be received within the period limitted by this act to prejudice the rights of the ſaid foreigners, or others. *Ibid.* § 5.

—— The time for the ſaid naturalization further extended to firſt of Auguſt, 1794. 1793, ch. 26.

Where real property purchaſed or acquired by foreigners ſince the act of July, 1779, has been eſcheated or eſcheatable, the title of the ſtate thereto is relinquiſhed, and veſted in the ſaid foreigners and their heirs, ſaving to perſons who acquired titles in ſuch eſcheatable property their reſpective rights. 1789, ch. 24, § 3, November, 1792, ch. 14, § 3.

—— The purchaſers of property from ſuch foreigners entitled to the ſame advantage as to ſuch property as if acquired from thoſe who had been naturalized. *Ibid.*

Directions for publiſhing the act for naturalization. *Ibid.* § 6.

Aliens or foreigners enabled to ſubſcribe for, purchaſe and hold, ſhares in the Patowmack company. 1790, ch. 35, § 4.

—— Enabled to purchaſe and hold ſhares in the Suſquehanna canal company as if they were citizens, and to hold them though reſiding in a foreign country. *Ibid.* ch. 36, § 4.

—— Empowered, by deed or will, to take and hold lands within that part of the territory of Columbia which lies within this ſtate, as if they were citizens, ſuch lands liable to be conveyed by them, and tranſmitted to, and inherited by, their as if they were citizens. 1791, ch. 45, § 6.

—— But no foreigner to be in virtue hereof entitled further or other privilege of a citizen. *Ibid.*

—— Empowered to ſubſcribe for ſhares in the Maryla ſurance company. *Ibid.* ch. 69, § 2.

Foreigners who ſettled in this ſtate before the 22d of 1779, and have continued therein, and their deſcendant clared to have been and to be citizens, and entitled to privileges of natural born citizens. 1797, ch. 60.

—— All property acquired by or from them, or the ſcendants, &c. to be conſidered as if they had been natura citizens. *Ibid.*

If a perſon named in a will ſhall not be, (at the time adminiſtration ought to be granted,) a citizen of the U States, letters teſtamentary or of adminiſtration may be g as if ſuch perſon had not been named in the will. 1798 101, ch. 4, § 1.

—— No queſtion reſpecting citizenſhip to be determi the orphans courts without ſummons, (or notice by adv ment in caſe ſuch perſons are out of the ſtate,) or he *Ibid.* § 2.

—— Where ſuch perſon is alleged to be an alien, h zenſhip ſhall not be eſtabliſhed otherwiſe than by a cer under the ſeal of the office or court where the party beca turalized, or by competent teſtimony that he is a natur citizen of this ſtate, or ſome of the United States. § 4.

Letters of adminiſtration ſhall not be granted to a perſ is not a citizen of the United States. *Ibid.* ch. 5, § 1.

—— Queſtions reſpecting ſuch citizenſhip to be dete as in the caſe of executors. *Ibid.*

No perſon mentioned in the act for the relief of in debtors entitled to the benefit thereof, unleſs the chanc ſatisfied by competent teſtimony that he is, and was at t of paſſing this act, a citizen of the United States and ſtate. 1799, ch. 88, § 3.

FORFEITURE.

There ought to be no forfeiture of any part of the e any perſon for any crime, except murder or treaſon aga ſtate, and then only on conviction and attainder. Decl.

FORGERY.

Perſons forging or counterfeiting certificates iſſued u act of March, 1778, ch. 16, for the payment of the jo accounts, &c. ſhall ſuffer death without benefit of March, 1778, ch. 17.

A proſecution to be commenced by the attorney-ge the order of the governor and council againſt perſons fo altering manifeſts of tobacco. 1789, ch. 26, § 11.

Perſons who forge or counterfeit any manifeſt or note inſpector, or alter the quantity of tobacco expreſſed the offer, or cauſe to be offered in payment, any ſuch forge terfeited or altered manifeſt or note, knowing them ſ ſhall be publicly whipped not exceeding thirty-nine l fined in any ſum not exceeding £. 100 0 0, or ſent hard labour not exceeding ſeven years, or all of them diſcretion of the court. *Ibid.* § 36.

—— Perſons who export, or cauſe to be exported, a head of tobacco ſtamped with a forged or counterfeit ſ who demand tobacco of any inſpector upon any forged, feited or altered manifeſt or note, knowing them ſo to receive thirty-nine laſhes, or be ſentenced to hard labour ceeding four years, or be fined not exceeding £. 100, them, in the diſcretion of the court. *Ibid.* § 37.

FORGERY.

ſons who forge or counterfeit any of the notes or checks
e bank of Maryland, or pay or tender in payment, or in
anner paſs or offer to paſs, ſuch forged or counterfeited
or checks, knowing them ſo to be, ſhall, on conviction,
judged felons, and ſuffer ſuch puniſhment as ſhall be ad-
, not extending to death or more than ſeven years ſer-
. 1790, ch. 5, § 14.

The ſame puniſhment for forging the notes or checks of
nk of Columbia, or paying them, &c. 1793, ch. 30,

ſons who ſhall, within this ſtate, forge or counterfeit any
notes or checks of any bank eſtabliſhed, or that may be
ſhed, under a charter from the government of the United
, or of any particular ſtate, or ſhall pay, or tender in pay-
or in any manner paſs or offer to paſs, ſuch forged or
rfeited notes or checks, knowing them ſo to be, ſhall, on
ction, be adjudged felons, and ſuffer ſuch puniſhment as if
ed guilty of ſtealing or taking by robbery goods of the
alue with the money due on ſuch note or check. *Ibid.*
§ 2.

ons who forge or counterfeit any check or order on any
nder a charter from the government of the United States,
particular ſtate, or pay or tender, or offer to paſs the
knowing them to be forged or counterfeited, ſhall, on con-
, be adjudged felons, and ſuffer ſuch puniſhment as if
ed guilty of ſtealing or taking by robbery goods of the
lue with the money expreſſed to be due thereon. 1797,
§ 2.

ons who forge or counterfeit, or cauſe to be forged or
rfeited, or knowingly utter or publiſh any deed, will,
nt, bond, writing obligatory, bill of exchange, promiſſo-
for payment of money or delivery of goods, or other va-
rticles, endorſement or aſſignment of any bond or writing
ry, bill of exchange or promiſſory note, or any acquit-
r receipt either for money or goods, or other valuable
, with intention to defraud any perſon, ſhall, on convic-
e adjudged felons, and ſuffer ſuch puniſhment as ſhall be
d, not extending to death or above ſeven years ſervitude.
ch. 75, § 1.

The ſame puniſhment for forging, &c. any acceptance
bill of exchange, or draught for the payment of money
very of goods, or other valuable articles, or the number
cipal ſum of any accountable receipt for any note, bill or
ecurity, for payment of money, or any warrant or order
payment of money or delivery of goods, or other valu-
rticles, with intention to defraud any perſon. *Ibid.* § 2.

FORNICATION.

juſtice of the peace may iſſue his warrant to the conſta-
take any woman who he is informed has an illegitimate
November, 1781, ch. 13, § 1.

Information of ſuch woman to be given by the conſtables
e juſtice. 1785, ch. 47.

The conſtable ſhall carry ſuch woman before ſome juſtice,
all call on her for ſecurity to indemnify the county from
arge on account of the child, and on her neglect or re-
may commit her to the ſheriff till it is given. November,
ch. 13, § 1.

If ſhe will on oath diſcover the father, the juſtice ſhall
ge her, and call the father before him, if reſiding in the
, and ſhall cauſe him to give ſuch ſecurity in the ſum of
Ibid.

If the father reſides in another county, the juſtice ſhall
, under his hand and ſeal, a copy of the proceedings,
juſtice to whom they are ſent ſhall proceed againſt the
as before directed. *Ibid.*

FORNICATION.

—— If the perſon thinks himſelf aggrieved by ſuch judge-
ment, the juſtice may take and return his recognizance for his
appearance at the next county court, the juſtices of which are
to take cognizance thereof, on return thereof being made. *Ibid.*
§ 2, 1785, ch. 47.

—— If on trial the perſon is found guilty, the court ſhall
order him to indemnify the county, and if he neglects or refuſes,
ſhall commit him to the ſheriff. November, 1781, ch. 13,
§ 2.

—— Perſons ſwearing falſely to ſuffer as for wilful and cor-
rupt perjury. *Ibid.*

Any juſtice, on application, may iſſue an order for the pay-
ment of a ſum, not exceeding thirty dollars *per annum*, till the
child ſhall arrive to the age of ſeven years, on failure whereof
ſcire facias may iſſue on the recognizance. 1796, ch. 34.

FRANCE.

The ſubjects of France inveſted with certain privileges re-
ſpecting their eſtates, &c. March, 1780, ch. 8.

FRAUD.

Awards obtained by fraud to be ſet aſide by the court. Oc-
tober, 1778, ch. 21, § 9.

Directions as to the continuance of ſuits where judgments are
ſet aſide for fraud. November, 1787, ch. 9, § 6.

See CONTINUANCES.

Perſons concerned in the ſtock of the bank of Columbia guil-
ty of fraud or embezzlement, touching the property thereof,
may be proſecuted by indictment in any court of law. 1793,
ch. 30, § 12.

In ſuits in chancery againſt infants for foreclоſure or ſale of
mortgaged property, bond to be given to reconvey or pay back
on its appearing that there was fraud in obtaining the deed, &c.
1785, ch. 72, § 2.

An executor, after the diſcovery of a will, ſhall be bound by
judgments obtained againſt the adminiſtrator, unleſs they are ſet
aſide for fraud, &c. in the manner therein preſcribed. 1798,
No. 101, ch. 5, § 4.

Power of the orphans court on ſuſpecting fraud in a ſale.
Ibid. ch. 8, § 3.

FREDERICK COUNTY.

Prince-George's county divided, and a new county erected by
the name of Frederick County. 1748, ch. 15.

The diviſion ſettled between Frederick and Baltimore coun-
ties. 1750, ch. 13.

A public ſchool to be erected in Frederick county. 1763,
ch. 32.

Ground directed to be purchaſed in Frederick-town for a coun-
ty ſchool, and viſitors to be appointed. 1768, ch. 6.

—— Other ground added thereto. 1769, ch. 17.

An act for the relief of the poor in Frederick county, and
others therein mentioned. 1768, ch. 29.

—— A ſupplement thereto. November, 1770, ch. 7.

—— An additional ſupplementary act thereto. 1771, ch. 18.

—— The truſtees enabled to ſell the houſes and ground there-
in mentioned. October, 1777, ch. 6.

The ſecurities of Chriſtopher Edelen, deceaſed, and his admi-
niſtrators, enabled to collect the balances due to him as col-
lector of the taxes and as ſheriff of Frederick county. 1786,
ch. 37.

A ſupplement, giving further powers. November, 1787,
ch. 21.

The executors, &c. of Adam Fiſher, late collector of Frede-
rick county, empowered to collect the balances due to him.
Ibid. ch. 27.

FREDERICK COUNTY.

Nothing in this act to prevent persons in Frederick county from carrying their tobacco to any public warehouse on navigable water. 1790, ch. 55, § 10.

A market to be established for the sale of live stock at Westminster-town, in Frederick county. 1794, ch. 9.

Washington, Frederick, Montgomery and Allegany counties, form the fifth district for holding county courts. 1796, ch. 43, § 2.

—— Frederick county court to be held the third Monday in March and November. *Ibid.* § 3.

Montgomery county, and that part of Frederick county adjacent as far as Monocacy, from the mouth thereof to the Pennsylvania line, form the third district for the election of representatives in congress. 1791, ch. 62, § 1, 2.

—— The remainder of Frederick county, Washington and Allegany counties, form the fourth district. *Ibid.*

Distinct polls to be kept for the different districts in the county. *Ibid.* § 3, 1799, ch. 76.

Frederick county forms the third district for appointing electors to choose the president and vice-president. 1795, ch. 73, § 1.

Frederick county to be laid off into seven separate districts for holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commissioners appointed to lay off the said districts, and to fix the place of holding the elections in each. 1799, ch. 50, § 20.

The average value of lands established in Frederick county at 27*s.* per acre. 1785, ch. 53, § 2.

Frederick county school founded in Frederick-town, in the said county. 1796, ch. 65.

See SCHOOLS.

An act respecting swine in the town of Westminster. 1797, ch. 47.

An act to incorporate a company for making several turnpike roads through Baltimore and Frederick counties. *Ibid.* ch. 70.

The levy court empowered to assess annually money for the support of the son of Raphael Thompson. 1798, ch. 17.

Regulations respecting swine, &c. in New-Market. 1799, ch. 13.

—— In Liberty-town. *Ibid.* ch. 33.

FREDERICK-TOWN.

A market established and regulated. November, 1770, ch. 4.

—— Conveyances of land made for the use of the said market confirmed. 1785, ch. 54, § 2.

—— Directions respecting alleys and additional buildings. *Ibid.* § 3.

South-street to be extended and continued. 1786, ch. 8.

Commissioners incorporated for the regulation of the town, and powers conferred on them. *Ibid.* ch. 36.

Regulations respecting the weight of provisions brought to market, and prohibiting engrossing and forestalling. November, 1792, ch. 42.

—— Respecting leathern buckets for the extinguishing of fire. 1794, ch. 32.

A market established and regulated at Bentz-town, an addition to Frederick-town. 1795, ch. 14.

The several additions to Frederick-town annexed thereto and put under the authority, &c. of the commissioners. 1796, ch. 26.

FREEDOM.

No petition for freedom shall originate in the general court, but in the county where the petitioner resides, under the direction of his owner. 1796, ch. 66, § 21.

—— The process to be issued to the county where the owner resides. *Ibid.*

See NEGROES. PETITIONS.

FREE-HOLD.

Things annexed to the free-hold which may be removed out prejudice are assets. 1798, No. 101, ch. 7.

FREE NEGROES.

Penalty for transporting them, &c. 1796, ch. 67, §

—— On free negroes giving or selling their certific freedom. *Ibid.* § 18.

—— If living idle, and without means of subsistenc may be obliged to give security, or be imprisoned. *Ibid*

FUNERAL EXPENCES.

To be allowed to executors or administrators at the di of the orphans court, according to the condition, &c. of ceased, not exceeding 300 dollars. 1798, No. 101, ch.

GAMING.

THE corporation of Annapolis empowered to make ord to prohibit public and excessive gaming in the city precincts. 1790, ch. 46.

Persons setting up any E. O. A. B. C. L. S. D. or far or other device, (except billiard tables,) for the pur gaming, in any dwelling or place occupied by a tavern-k retailer of spirituous liquor, forfeit such tables and £ every offence, to be recovered by indictment. 1797, § 2.

—— On conviction thereof the licence of such tavern &c. to be void. *Ibid.* § 3.

—— Any justice empowered to suppress and prevent t ing at such tables. *Ibid.* § 4.

—— One half of the fine to the persons informing, other to the county, the inhabitants of which shall notwi ing be admitted as witnesses. *Ibid.* § 5.

—— This act not to affect the chartered rights of A or Baltimore. *Ibid.*

GAUGE OF BARRELS.

The size of barrels for the exportation or sale of pork &c. prescribed. 1745, ch. 15, § 2.

—— The contents of such barrel for pork or beef 220 lbs. well preserved, &c. *Ibid.*

—— For turpentine or pitch, to be clean and merch *Ibid.* § 3.

—— Penalty on setting up barrels of a less size, & directed by this act. *Ibid.*

—— On packing pork or beef in barrels or quantity thereto. *Ibid.* § 4.

—— On bartering or selling pork, tar, &c. contrary *Ibid.* § 5, 6.

—— On importing and offering the same for sale. *Ib*

Penalty on offering flour or bread for sale without mar tare on the bulge. *Ibid.* § 8.

Mode of recovering penalties, and time limitted for actions. *Ibid.* § 9, 10, 11.

Regulations respecting the gauging of casks in Ba 1774, ch. 23.

GARNISHEE.

May plead a condemnation and execution on attach bar of any suit brought by the defendant therein. 1715 § 3, 7.

Directions respecting the costs against garnishees. *I*

A garnishee may, to every attachment under this a in behalf of the defendant such plea or pleas as the d might or could do if he had been taken and had appeared ch. 56, § 4.

I N D E X.

GARNISHEE.

In all caſes of attachment the plaintiff may exhibit interrogatories to the garniſhee, who ſhall by rule of court anſwer them touching the property of the defendant in his poſſeſſion or charge, owing from him. *Ibid.* § 5.

— On his neglect or refuſal the court ſhall adjudge that he has property of the defendant's, or is indebted to him to the amount of the debt, intereſt, &c. and execution ſhall iſſue as in caſe of condemnation. *Ibid.*

— He may be held to bail to appear at court on the plaintiff's making and filing an affidavit that he has property of the defendant's in his poſſeſſion, or is indebted to him, and that he leaves he is about to remove, on which affidavit being filed, the court may inſert a clauſe of *capias ad respondendum* in the body of the attachment. *Ibid.* § 6.

See ATTACHMENT.

GENERAL ASSEMBLY.

The legiſlature to conſiſt of two diſtinct branches, a ſenate and houſe of delegates, which ſhall be ſtyled "The General Aſſembly of Maryland." Conſt. 1.

For the manner of chooſing the general aſſembly, ſee DELEGATES. SENATE.

The general aſſembly to meet annually on the firſt Monday in December, and if neceſſary oftener. Conſt. 23.

Each houſe ſhall appoint its own officers, and ſettle its own mode of proceeding. *Ibid.* 24.

The governor and council to be choſen by a joint ballot of both houſes. *Ibid.* 25, 26, 28.

Oath to be taken by the members at their meeting. *Ibid.* 28.

The ſenate and delegates may adjourn themſelves reſpectively, but if the two houſes ſhould not agree upon the ſame time, but adjourn to different days, then ſhall the governor appoint and name one of thoſe days, or ſome day between, and the aſſembly ſhall then meet and be held accordingly; and he ſhall, if neceſſary by advice of the council, call them before the time to which they ſhall in any manner be adjourned, on giving not leſs than ſeven days notice thereof; but the governor ſhall not adjourn the aſſembly otherwiſe than as aforeſaid, nor prorogue or diſſolve them any time, *Ibid.* 29.

Manner of calling the general aſſembly on the death of the governor. *Ibid.* 32.

The governor to ſummon the general aſſembly during the continuance of an embargo as therein directed. *Ibid.* 33.

No ſenator or delegate of the aſſembly, if he ſhall qualify as ſuch, ſhall hold or execute any office of profit, or receive the profits of any office exerciſed by any other perſon, during the time for which he ſhall be elected. *Ibid.* 37.

No perſon holding a place of profit, or receiving any part of the profits thereof, or receiving the profits, or any part of the profits ariſing on any agency for the ſupply of cloathing or proviſions for the army or navy, or holding any office under the United States, or any of them, or a miniſter or preacher of the goſpel of any denomination, or any perſon employed in the regular ſervice or marine of this or the United States, ſhall have a ſeat in the general aſſembly. *Ibid.*

No member of congreſs, or perſon holding an office of truſt or profit under the United States, ſhall be capable of having a ſeat in the general aſſembly. 1791, ch. 80, confirmed by Nov. 1792, ch. 22.

Every member of the general aſſembly ſhall take his ſeat in the houſe, or accept of an office of truſt or profit, or being ſo elected or appointed ſhall not make his reſignation within thirty days after notice of ſuch election or appointment, his ſeat in the legiſlature of this ſtate ſhall be void. *Ibid.*

Every ſenator and delegate, before he acts as ſuch, ſhall take an oath that he will not receive, directly or indirectly, at any time, any part of the profits of any office held by any other perſon during his acting as ſenator or delegate, or the profits, or any part of the profits, ariſing on any agency for the ſupply of cloathing or proviſions for the army or navy. Conſt. 38.

—— Puniſhment for their ſo holding or executing any office, &c. *Ibid.* 39.

A juſtice of the peace may be eligible as a ſenator or delegate. *Ibid.* 44.

No field-officer ſhall be eligible as a ſenator or delegate. *Ibid.* 45.

Puniſhment for giving any bribe, &c. to obtain or procure a vote to be a ſenator or delegate. *Ibid.* 54.

The regiſter of wills for each county to be commiſſioned by the governor on the joint recommendation of the ſenate and houſe of delegates, and on a vacancy during the receſs the governor and council may appoint a perſon to hold the office till the meeting of the general aſſembly. *Ibid.* 41.

The ſtyle of laws ſhall be thus: "*Be it enacted, by the General Aſſembly of Maryland.*" *Ibid.* 57.

All penalties and forfeitures heretofore going to the king or proprietary ſhall go to the ſtate, ſave only ſuch as the general aſſembly may aboliſh or otherwiſe provide for. *Ibid.* 58.

Manner of altering the form of government and the declaration of rights, or any part thereof, by the general aſſembly. *Ibid.* 59.

Manner of atteſting and publiſhing the bills paſſed by the general aſſembly. *Ibid.* 60.

The proceedings of the council may be required by the ſenate and houſe of delegates, or either of them. *Ibid.* 26.

The regiſter in chancery to lay before the general aſſembly annually, a fair account of his receipts of fees for the great ſeal. November, 1779, ch. 25, § 23.

Each member of the general aſſembly to be furniſhed with a printed copy of the votes and proceedings, and of the laws and reſolutions, paſſed at each ſeſſion. 1790, ch. 51, § 3.

On a petition to the general aſſembly to confirm the title to land within this ſtate, or for any other purpoſe, the right of the petitioners ſhall not be invalidated by any means till the end of the ſeſſion. 1794, ch. 45.

—— Not to extend to prevent or delay any ſuit or execution againſt the property of ſuch petitioner. *Ibid.*

The books of the Pocomoke company to be always open to the inſpection of the general aſſembly, or any perſon appointed by them. 1796, ch. 17, § 16.

Four dollars and fifty cents allowed to the preſident of the ſenate and ſpeaker of the houſe of delegates for every day's attendance, and three dollars and fifty cents to each member, beſides the accuſtomed itinerant charges and ferriages. *Ibid.* ch. 41.

Summary accounts of the perſonal property in the ſtate directed to be ſent by the commiſſioners of the tax to the clerk of the houſe of delegates, to be laid before the general aſſembly. 1797, ch. 89, § 27.

The clerks of the general court to return to the general aſſembly, on or before the 20th of November in each year, an account of the amount of all certificates iſſued to jurymen. *Ibid.* ch. 94, § 3.

The ordinances made by the viſitors of Allegany county ſchool, and accounts of their proceedings, to be laid before the general aſſembly when required. 1798, ch. 58, § 7.

The viſitors and directors of Waſhington academy, in Somerſet county, of the academy in Talbot county, of Charlotte-Hall, of Frederick county ſchool, and of the academy to be erected in Baltimore and Harford counties, directed to return annually, on or before the 25th of November, to the general aſſembly, an account of all ſums received under this act, a ſtate of their ſchools,

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ſchools, &c. or to forfeit the donation therein made. *Ibid.* ch. 107.

The truſtees of the academy at Eaſton, in Talbot county, directed to report their proceedings, &c. on or before the 28th of November in each year, to the general aſſembly. 1799, ch. 56, § 10.

The ſtate's agent directed to lay an account of his tranſactions before the general aſſembly. *Ibid.* ch. 80, § 8, 11, 20, 21.

The treaſurer directed to report the money received from the agent to the general aſſembly. *Ibid.* § 19.

Three perſons of integrity and ſound judgment in the law to be appointed judges of the court, then called the Provincial Court, the ſame to be called the General Court, and to ſit on the weſtern and eaſtern ſhores at ſuch times and places as the future legiſlature ſhould direct and appoint. Conſt. 56.

The judges to hold their commiſſions during good behaviour, removeable only for miſbehaviour in a court of law. *Ibid.* 40.

Oaths to be taken by the judges. *Ibid.* 50, 52, 55, February, 1777, ch. 5, § 1.

—— Form of the commiſſion, by which every one or more of them are aſſigned judges of the general court. February, 1777, ch. 5, § 1.

The judges of the general court, or any one of them, directed to hold their firſt court on the eaſtern ſhore at Talbot court-houſe, till a court-houſe ſhould be built at Dover, on the ſecond Tueſday of September then next, and on the ſecond Tueſdays of April and September yearly, and on the weſtern ſhore at Annapolis, on the ſecond Tueſday of October then next, and on the ſecond Tueſday in May and October yearly. *Ibid.* ch. 15, § 9.

—— The part of the above act reſpecting the building a court-houſe at Dover repealed, and the court for the eaſtern ſhore to be held at Talbot, to be called Eaſton. November, 1788, ch. 16.

—— A court-houſe to be built at Eaſton, and the public ground therefor veſted in the juſtices of Talbot county court, and in the judges of the general court, for the mutual accommodation of their courts. 1789, ch. 36.

The judges of the general court may appoint their clerks, and in caſe of vacancy during the vacation, the governor and council may appoint and commiſſion a perſon to hold the office till the meeting of the court. Conſt. 47.

—— The judges of the general court, or one of them, directed to appoint a clerk, who was to provide repoſitories for the public records. October, 1777, ch. 19.

Every law ſhall be recorded in the general court office of the weſtern ſhore. Conſt. 60.

Directions reſpecting the ſtay of execution by appeal or writ of error. 1713, ch. 4.

—— For taking bail in court. 1715, ch. 28, § 2, 3.

—— For taking bail in the counties, and returning the recognizance. *Ibid.* § 4, 6.

—— Form of the recognizance preſcribed. October, 1778, ch. 21, § 4.

—— The judges to make rules and orders for juſtifying bail, and making the ſame abſolute, ſo as not to compel them to appear in perſon. 1715, ch. 28, § 5.

Twenty days notice to be given to jurors ſummoned to the general court. *Ibid.* ch. 37, § 1.

The judges empowered to make rules and orders for governing and regulating their courts, and the officers and ſuitors thereof, and to fine them, not exceeding 1000 lbs. tobacco. *Ibid.* ch. 41, § 2.

Conveyances may be acknowledged in the general cou before a judge thereof. 1715, ch. 47, § 8, 9, Nove 1766, ch. 14, § 2, 4.

Deeds acknowledged before a judge of the general cou two juſtices of the county where the lands lie, may be rec in the ſaid county, or in the records of the general 1785, ch. 9, § 4, 5.

—— Deeds which had been ſo enrolled made valid. § 2, 3.

—— Deeds enrolled therein may, on application, be mitted, with a certificate annexed, ſigned by the clerk, an der the ſeal of the ſaid court, of ſuch enrolment, to the of the county where the lands lie, to be enrolled, with th certificate, in the records of the county. *Ibid.* § 6.

—— Deeds enrolled in the county courts may be tranſf in like manner to the clerk of the general court, and en &c. *Ibid.*

—— Tranſcripts or record entries of deeds to be tranſf from the clerks of counties to the clerk of the general cou be there recorded and kept among the papers, to be uſed i dence in the manner therein mentioned. *Ibid.* § 7.

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Criminal proceſs not to iſſue from the general court wit preſentment, unleſs by the ſpecial order thereof, or of an ney therein. 1715, ch. 48, § 1, 3.

Attorney's fee in the general court 400 lbs. tobacco. § 7.

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Perſons caſt in the general court to be amerced 50 lbs. co. 1722, ch. 12, § 1, 2.

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—— The ſame as to gifts of ſlaves, of which the do tains the uſe and poſſeſſion. 1763, ch. 13, § 2.

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—— Reſpecting bills of exception. *Ibid.* § 14.

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Mode of perpetuating teſtimony. *Ibid.* ch. 8.

The general court may determine in caſes where bills in chan- would lie if the chancellor is intereſted or may have been erned as counſel. November, 1779, ch. 24, § 4.

Fees in the general court eſtabliſhed. *Ibid.* ch. 25.

Directions reſpecting coſts in criminal caſes. November, 81, ch. 11.

—— Reſpecting the recommendation of the court for the re- ion of forfeited recognizances and fines. April, 1782, 42.

Fines, &c. for any offence, (except treaſon,) and forfeited gnizances, in the general court, to be applied to Waſhing- and Saint-John's college. 1784, ch. 7, § 4, ch. 37, § 21.

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An appeal from the county courts, on determining reſpecting ate ways, to the general court, whoſe deciſion ſhall be final. ch. 49, § 3.

The judges ſhall have a right to commit to the new priſon in city of Annapolis. *Ibid.* ch. 73, § 5.

No action of treſpaſs for injury done to the perſon or perſonal erty of the plaintiff, replevin, debt, covenant, account or the caſe, ſhall be brought in the general court, unleſs the debt or thing in demand, or damages aſſeſſed, exceeds the or value of one hundred pounds current money; and if any action ſhall be brought in the general court, and it ſhall ar to the court that the real debt or thing in demand, or ages aſſeſſed, doth not amount to the ſum or value of one red pounds current money, the plaintiff ſhall be nonſuit, pay coſts to the defendant. *Ibid.* ch. 87, § 2.

— In all actions for treſpaſs done or committed on real erty only, which may hereafter be brought in the general judgment ſhall be given for the plaintiff for the damages ered or aſſeſſed, together with coſts in ſuch action, without gard to the ſum recovered or aſſeſſed. *Ibid.* § 3.

— Suits, how to be brought for treſpaſs on real property the perſons remove. *Ibid.* § 4.

uits brought in the county courts ſhall not, before judgment, emoved by the plaintiffs to the general court, unleſs they d originally have been commenced there, but defendants to re as before this act. *Ibid.* § 5.

An appeal given to the general court from any judgment or mination of a county court in any civil ſuit or any proſecu- for the recovery of any penalty, fine or damages. *Ibid.* 1796, ch. 43, § 5.

Every perſon charged, apprehended or indicted, for any capi- rime, or ſuch as will ſubject ſuch perſon upon conviction to famous puniſhment, ſhall have a right, upon application to judge of the general court, or any two juſtices of the coun- court, to an *habeas corpus cum cauſa*, to remove himſelf, the proceedings in the caſe, to the general court, where perſon ſhall be tried on ſuch removal. 1785, ch. 87, § 8.

— The proſecution may be ſo removed by *certiorari* on ggeſtion of the party or the ſtate in the manner therein ribed. 1790, ch. 50, § 2.

— No indictment found before the juſtices of the criminal of Baltimore ſhall be removed at the inſtance of the party uted, without the leave of the ſaid juſtices, or the ſpecial of the general court, or ſome one of the judges thereof. ch. 58, § 1.

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— Reſpecting ſuits for aſſaults on officers in the execution eir duty. November, 1787, ch. 39.

trial to be had in the general court of either ſhore in the of homicide therein mentioned. 1789, ch. 22.

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On writs or warrants of reſurvey from the general court, the ſheriff or coroner as heretofore ſhall ſummon witneſſes. *Ibid.* ch. 35, § 7.

The juriſdiction of the general court in criminal caſes limitted to treaſons, miſpriſions of treaſons, murders, felonies and inſur- rections. 1790, ch. 50, § 1.

—— Manner of removing the proceedings in proſecutions for other offences from the county courts. *Ibid.* § 2.

—— This act not to prevent the judges from puniſhing by impriſonment all contempts in the non-attendance of jurymen and witneſſes. *Ibid.* § 3.

An appeal given from the determination of the commiſſioners under the act for draining lands to the general court, whoſe deciſion ſhall be final. *Ibid.* ch. 3, § 3.

Directions reſpecting appeals from the general court when the judgment is reverſed. *Ibid.* ch. 42, § 1, 3.

—— Reſpecting appeals to the general court when the judge- ment is reverſed. *Ibid.* § 2, 4.

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The general court ſhall have the ſame power, and may paſs judgment in the ſame manner, againſt any criminal convicted before them of any of the crimes herein before enumerated, as is given to the juſtices appointed under this act. 1793, ch. 57, § 28, 1799, ch. 58, § 12.

Directions reſpecting writs of inquiry. 1794, ch. 46.

One judge of the general court may appoint an eliſor to exe- cute proceſs. *Ibid.* ch. 54, § 5.

Power of the clerk to adjourn from day to day. 1795, ch. 55.

Power of the court and of a judge thereof reſpecting attach- ments againſt perſons out of the ſtate, &c. *Ibid.* ch. 56.

No petitions for freedom ſhall originate in the general court. 1796, ch. 67, § 21.

—— An appeal given from the county courts in matters of law only. *Ibid.* § 23.

Jurymen attending the general court to be allowed two dol- lars and fifty cents per day, beſides itinerant charges. 1797, ch. 94, § 1.

—— To be paid by the treaſurers on the certificates of the clerks. *Ibid.* § 2.

Witneſſes attending the general court to be allowed one dol- lar and fifty cents per day, beſides itinerant charges. *Ibid.* § 5.

An appeal allowed from the orphans courts to the chancery or general court. 1798, No. 101, ch. 2, § 11, ch. 15, § 18.

No part of the real eſtate of a ward ſhall be diminiſhed on ac- count of maintenance or education, without the approbation of the court of chancery or general court, as well as of the orphans court. *Ibid.* ch. 12, § 10.

Bonds and ſchedules taken under the act to appoint an agent to be recorded in the general court office. 1799, ch. 80, § 18.

The bond to be given by the mayor of George-town for the payment of money received for ordinary or retailers licences to be recorded in the general court. *Ibid.* ch. 85, § 3.

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—— Regulations reſpecting wharfs on ſuch lots. *Ibid.* § 3, 4.

—— Reſpecting the rate of pilotage to George-town. November, 1787, ch. 26.

—— Further regulations made, and a board appointed there for the examining and licenſing of pilots. 1790, ch. 27.

George-town incorporated, and regulations preſcribed for its government. 1789, ch. 23.

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A third inſpection of tobacco eſtabliſhed at George-town. 1790, ch. 30.

The George-town bridge company eſtabliſhed, &c. 1791, ch. 81, ch. 89, 1797, ch. 41.

—— A road to be opened thereto from George-town. 1795, ch. 44, 1796, ch. 54.

The inſpection of pot and pearl-aſh therein regulated. November, 1792, ch. 65.

Fines, how to be recovered. *Ibid.* § 10.

Waſhington pariſh formed, to include the city of Waſhington and George-town. 1794, ch. 20.

Certain ſtreets in the addition to George-town to be extended. 1795, ch. 13, ch. 19.

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Certain ſtreets in Beatty and Hawkins's addition to George-town to be ſurveyed, marked and bounded. *Ibid.* ch. 54.

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Swine prevented from going at large in that part of Montgomery county lying between Patowmack river and Rock creek, and within three miles of George-town. 1798, ch. 52.

The George-town mutual inſurance company againſt fire on houſes, goods and furniture, eſtabliſhed. *Ibid.* ch. 97.

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he two houſes of aſſembly ſhould adjourn to different days, vernor ſhall appoint and notify one of thoſe days, or ſome tween, on which the general aſſembly ſhall meet and be but he ſhall not adjourn the aſſembly otherwiſe, nor proor diſſolve it at any time. *Ibid.* 29.

the death, reſignation, &c. of the governor, the firſt named council ſhall act and qualify as governor, and ſhall call a of the aſſembly, at which a governor ſhall be appointed reſidue of the year. *Ibid.* 32.

governor ſhall alone have the direction of the militia mbodied, and ſhall alſo have the direction of all the and and ſea forces under the ſtate, but ſhall not command n, unleſs thereto adviſed by the council, and then only as they ſhall approve thereof. *Ibid.* 33.

governor may alone exerciſe all other the executive of government, when the concurrence of the council is uired, according to the laws of this ſtate. *Ibid.*

He may grant reprieves or pardons for any crime, exere the law ſhall otherwiſe direct. *Ibid.*

His power reſpecting embargoes. *Ibid.*

Reſpecting quarantine. *Ibid.* November, 1766, ch. 25, ch. 34.

He ſhall not, under any pretence, exerciſe any power or ive by virtue of any law, ſtatute or cuſtom of England e-Britain. Conſt. 33.

governor ſhall preſide in the council, and be entitled to a all queſtions in which they ſhall be divided in opinion. 4.

He ſhall commiſſion regiſters of wills on the joint recomn of the ſenate and houſe of delegates. *Ibid.* 41.

He ſhall commiſſion for the office of ſheriff of each e one having the majority of votes of the two perſons therefor. *Ibid.* 42.

He may commiſſion either, if both have an equal numotes. *Ibid.*

He ſhall commiſſion the other perſon returned, for the reſie three years, in caſe of the death, &c. of the firſt. *Ibid.*

governor may remove or ſuſpend any militia officer in e of the judgment of a court-martial. *Ibid.* 48.

vernor ſhall ſign all commiſſions and grants. *Ibid.* 57.

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— He ſhall ſign every bill paſſed by the general aſſembly, and affix the great ſeal thereto, the bills to be preſented to him for that purpoſe by the ſpeaker of the houſe of delegates, in the ſenate, in the preſence of the members of both houſes. *Ibid.* 60.

— Manner of his election, and of his commiſſioning officers to introduce the new government. *Ibid.* 61.

Manner of chooſing a council to the governor. *Ibid.* 26.

— The advice of the members, if ſo required by the governor or any of the members, to be given in writing, and ſigned. *Ibid.*

The oaths to the chancellor to be adminiſtered to him by the governor at the time of delivering to him the great ſeal of this ſtate. February, 1777, ch. 5, § 2.

Grants of lands iſſued from the land-office to be ſigned by the governor. November, 1781, ch. 20, § 3, 1795, ch. 61, § 2.

The governor prohibited from granting a *nolle prosequi* in proſecutions by preſentment or indictment for the recovery of any fine, penalty or forfeiture only. April, 1782, ch. 42, § 4.

The governor for the time being ſhall be chancellor of the univerſity of Maryland. 1784, ch. 37, § 33.

The governor authoriſed to execute ſo much of the act of October, 1778, ch. 14, as related to the commiſſioned officers of the Maryland line, as fully as the juſtices of the orphans court. *Ibid.* ch. 72.

— Authoriſed and directed, on the application of certain officers therein named, to draw orders on the treaſury, annually or quarterly, for their half pay. 1785, ch. 17, § 3, November, 1788, ch. 8.

The ſalary of the governor permanently eſtabliſhed, to be paid quarterly. 1785, ch. 28.

The governor authoriſed, on application, to iſſue commiſſions of oyer and terminer and gaol delivery for the trial of all crimes, offences and miſdemeanors whatever, in any county, when it ſhall appear that there is a neceſſity therefor. November, 1787, ch. 1.

Trials to be had in the general or county courts, or in the courts of oyer and terminer, in the caſes of homicide therein mentioned. 1789, ch. 22.

The governor may, in his diſcretion, grant to any offender capitally convicted, a pardon, on condition contained therein, which ſhall be effectual as a condition according to the intent thereof. November, 1787, ch. 17, § 2.

— If the offender be a ſlave, and the condition be his leaving the ſtate, or on tranſportation, the governor may direct the ſheriff having him in cuſtody to contract and take ſecurity for the tranſportation of ſuch ſlave, agreeably to the condition of his pardon. *Ibid.* § 3.

On the death, reſignation, &c. of any of the board of examiners of pilots, the governor may appoint ſome fit and proper perſon, out of three perſons to be recommended to him by the ſaid board, to fill up ſuch vacancy. *Ibid.* ch. 26, § 22.

The governor to ſign certificates by the governor and council of the receipt of returns of the elections of repreſentatives to congreſs, or of electors of the preſident and vice-preſident, to be evidence againſt any ſheriff as to the time of making ſuch return. November, 1792, ch. 34.

The governor empowered and required, whenever ſentence of death is pronounced by the judgment of a court againſt any criminal, to iſſue, under his hand, a warrant to the ſheriff to execute the ſaid judgment, at ſuch time as he ſhall therein appoint. 1795, ch. 82, § 1.

— He ſhall have power, in his diſcretion, to commute or change any ſentence or judgment of death to puniſhment of labour or baniſhment from the ſtate, on ſuch terms, and for ſuch periods, as he ſhall think expedient. *Ibid.* § 2.

— If

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—— If the criminal is a ſlave, the judgment may be changed into tranſportation, and ſale in ſome foreign country, for the benefit of the ſtate. *Ibid.*

—— In granting any *nolle proſequi* it may be on ſuch conditions, and with ſuch limitations, as may appear moſt adviſeable. *Ibid.* § 3.

The governor empowered, by licence under the ſeal of the ſtate, to ſuffer the Reiſter's-town turnpike road company to erect ſo many turnpikes as ſhall be neceſſary, after a view and examination as therein preſcribed. 1797, ch. 70, § 31.

The governor, as commander in chief of the militia, may order the ſelect companies of infantry, or part of them, into ſervice, without any draught made. 1798, ch. 100, § 35.

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Manner of chooſing the council to the governor, to conſiſt of five perſons. Conſt. 26, 28.

—— Their qualifications as to age, reſidence and property. *Ibid.* 26.

—— Their proceedings to be always entered on record, to any part whereof any member may enter his diſſent. *Ibid.*

—— Their advice, if ſo required by the governor or any member, ſhall be given in writing, and ſigned by the members giving the ſame. *Ibid.*

—— Their proceedings ſhall be laid before the ſenate or houſe of delegates when called for by them, or any of them. *Ibid.*

The council may appoint their own clerk, who ſhall take ſuch oath of ſupport and fidelity to this ſtate as this convention or the legiſlature ſhall direct, and of ſecrecy in ſuch matters as he ſhall be directed by the board to keep ſecret. *Ibid.*

The members of the council, or any three of them, ſhall conſtitute a board for the tranſaction of buſineſs. *Ibid.* 34.

—— The governor ſhall preſide, and be entitled to vote in all queſtions in which they ſhall be divided in opinion. *Ibid.*

—— In the governor's abſence the firſt named of the council ſhall preſide, and as ſuch ſhall vote where the other members diſagree in opinion. *Ibid.*

No member of the council, if he ſhall qualify as ſuch, ſhall hold or execute any office of profit, or receive the profits of any office exerciſed by any other perſon, during the time for which he ſhall be elected. *Ibid.* 37.

No perſon holding a place of profit, or receiving any part of the profits thereof, or receiving the profits, or any part of the profits, ariſing on any agency for the ſupply of cloathing or proviſions for the army or navy, or holding any office under the United States, or any of them, or a miniſter or preacher of the goſpel of any denomination, or any perſon employed in the regular land or ſea ſervice, or marine of this or the United States, ſhall have a ſeat in the council of this ſtate. *Ibid.*

Every member to take an oath, that he will not receive any part of the profits of any office held by any other perſon, during his acting in his office, or any part of the profits on any agency for the ſupply of cloathing or proviſions for the army or navy. *Ibid.* 38.

—— Puniſhment for their ſo doing. *Ibid.* 39.

Every member of the council ſhall take an oath, that he will not, through favour, affection or partiality, vote for any perſon to office, and that he will vote for ſuch perſon as in his judgment and conſcience he believes moſt fit and beſt qualified for the office, and that he has not made nor will make any promiſe or engagement to give his vote or intereſt in favour of any perſon. *Ibid.* 50.

—— To take an oath, (as being appointed to an office of profit or truſt,) that he does not hold himſelf bound in allegiance to the king of Great-Britain, and that he will be faithful and bear true allegiance to the ſtate of Maryland, and to ſubſc declaration of his belief in the Chriſtian religion. *Ibid.* 5

—— Their oath of office preſcribed. February, 1777, § 1.

Vacancies in the council to be filled by ballot by the re ing members for the reſt of the year. Conſt. 35.

The council to make the great ſeal. *Ibid.* 36.

On the death, reſignation, &c. of the governor, the firſt of the council ſhall act as governor, and qualify in the manner, and ſhall call a meeting of the general aſſembly *Ibid.* 32.

In caſe of refuſal, death, &c. of the commiſſioners loan-office, or the treaſurers, in the receſs of the general bly, the governor and council may appoint and commi perſon to ſuch vacant office till the meeting of the next g aſſembly. *Ibid.* 13.

The governor ſhall, if neceſſary, by advice of the c call the two houſes of aſſembly before the time to whic ſhall in any manner be adjourned, on giving not leſs th days notice thereof. *Ibid.* § 29.

The governor and council may embody the militia. *Ib*

On the death, reſignation, &c. of the regiſter of wi governor and council may appoint and commiſſion a pe ſuch vacant office till the meeting of the general a *Ibid.* 41.

In caſe of a vacancy in the office of ſheriff, the gover council may nominate and commiſſion a perſon to ſuch office for the reſidue of the three years. *Ibid.* 42.

—— The two perſons elected to the office of ſheriff t turned to the governor and council, with a certificate number of ballots for each. *Ibid.*

A juſtice of the peace may be eligible as a membe council. *Ibid.* 44.

No field-officer of the militia ſhall be eligible as a of the council. *Ibid.* 45.

In caſe of a vacancy in the office of the clerk of the court, or any county court, the governor and council point and commiſſion a perſon to ſuch vacant office meeting of the ſaid courts reſpectively. *Ibid.* 47.

The governor and council may appoint the chance judges and juſtices, the attorney-general, *naval-officers*, in the regular land and ſea ſervice, officers of the militi ters of the land-office, ſurveyors, and all other civil o government, (aſſeſſors, conſtables and overſeers of the r excepted.) *Ibid.* 48.

—— They may ſuſpend or remove any civil officer not a commiſſion during good behaviour. *Ibid.*

—— They may ſuſpend any militia officer for on *Ibid.*

—— They may ſuſpend or remove any regular offic land and ſea ſervice. *Ibid.*

—— Directed to appoint officers who do not hold co during good behaviour annually, in the third week in ber. *Ibid.* 49.

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Liſts of amerciaments in the general court to be la before the governor and council. 1715, ch. 41, § 12.

The governor and council empowered to determine t ty of elections for ſheriffs, and to iſſue new writs, &c. 1777, ch. 19, § 3.

—— On ſuch diſputes, or on complaints againſt offi may ſummon witneſſes, and enforce their attendance, depoſitions, as in the general court. 1786, ch. 22, §

—— They ſhall allow the party complained againſt the complaint, and give notice of the time of inquiry,

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— If the party after ſuch notice does not attend, the in-
y may be made in his abſence. *Ibid.*
— They may adjudge the coſts and expences on ſuch con-
verted election to be paid by either party. *Ibid.* § 3.
— They may adjudge the coſts and expences on complaints
inſt the officers of government to be paid by either party, or
the public. *Ibid.*
— They may compel payment of ſuch coſts in the ſame
ner as the general court. *Ibid.*
— Their powers reſpecting the army then raiſing. October,
77, ch. 8, November, 1779, ch. 36, June, 1780, ch. 10.
— Reſpecting public debtors. March, 1778, ch. 9, May,
1, ch. 17, § 2.
— Reſpecting ſuits on loan-office bonds. June, 1780,
8, § 6.
— Reſpecting the relief of diſabled officers and ſoldiers.
ber, 1778, ch. 14, October, 1780, ch. 34, April, 1782,
, November, 1782, ch. 26.
The governor and council empowered from time to time to
e and eſtabliſh ſuch rules and orders for the direction of the
urers in iſſuing their titlings or orders for warrants, and for
conduct of the examiner-general and the regiſters in their
tive offices, and for the behaviour of ſurveyors, as they
think proper. November, 1781, ch. 20, § 6.
— To tranſmit to the regiſter of the land-office, and to the
iner on the eaſtern ſhore, certified copies of ſuch rules, &c.
5, ch. 61, § 8.
— The governor and council to appoint an examiner-gene-
for the examination of certificates of ſurvey. November,
4, ch. 20, § 7.
— To appoint an examiner for the eaſtern ſhore. 1795,
1, § 3.
— To appoint a judge of the land-office for the eaſtern
. *Ibid.* § 5.
e governor and council may remit the whole, or a part of
eited recognizance, on the caſe being ſtated in writing by
ourt where it was forfeited, and a recommendation for a re-
n. April, 1782, ch. 42, § 1.
— The members remitting ſuch recognizance ſhall have the
entered at large on the proceedings, and ſubſcribe their
s thereto. *Ibid.*
— They may remit, (under the ſame limitations,) any fine,
ty or forfeiture, provided the amount is certain, and not in
ſcretion of the court. *Ibid.* § 3.
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a court-martial, on ſtating and ſigning the caſe, and the
s for a remiſſion. *Ibid.* § 5.
e governor and council empowered to direct the treaſurer
quiring ſecurity on bonds to be given by the purchaſers of
ſcated property. 1785, ch. 84, § 5.
— To inſtruct the collectors reſpecting the receipt of the
ons of money therein mentioned for taxes. *Ibid.*
— To appoint additional ſurveyors to complete the ſurveys
d ſold by the ſtate. *Ibid.* ch. 66, § 3.
— To appoint perſons to ſolicit loans. *Ibid.* ch. 88,

— To appoint a perſon to complete the tranſactions of the
ntendant of the revenue, and the commiſſioners of confiſ-
property, to ſettle with the purchaſers, and to make ſale of
roperty remaining. *Ibid.* § 3.
— To empower ſuch perſon to compound with any one
g a diſcovery of ſuch property. *Ibid.*
rected to inſtruct the ſaid perſon as to the ſeveral matters
ſaid. *Ibid.*
— To appoint ſome perſon to treat with the Indians enti-
to land in Dorcheſter county, &c. *Ibid.* § 4.

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—— To appoint ſome perſon to purchaſe final ſettlement certificates, or other ſecurities of the United States. *Ibid.* § 5.
—— Requeſted to ſuperintend the collection of the public aſſeſſment, &c. *Ibid.* § 8.
—— Authoriſed to eſtabliſh public arſenals at Frederick-town and Eaſton for the reception of the public arms, and to have them conveyed and depoſited there. *Ibid.* § 9.
—— To appoint armourers at thoſe places to keep the arms, &c. in repair, and to allow them a ſalary. *Ibid.*
—— Empowered to draw on the treaſurers for ſervices under the above act, or under contracts in execution thereof. November, 1788, ch. 38, § 2, 3.
—— To receive from the agent reſpecting the bank ſtock any propoſals of meaſures to be executed by him concerning the ſame, and to inſtruct him relative thereto, he being always ſubject to their advice, inſtruction and control. 1785, ch. 88, § 10.
—— The powers veſted by this act in the governor and council directed to be exerciſed by any three or more of them, the governor always being preſent and having a vote. *Ibid.* § 11.
The governor and council empowered, on application, to inquire into the ſituation and circumſtances of the widows of officers having died in the ſervice, and to allow them a ſum of money, to be paid quarterly, not exceeding half the pay their huſbands were entitled to, and to draw on the treaſurer for ſuch ſums. *Ibid.* ch. 52, § 2.
—— Such allowance to ceaſe on the marriage of ſuch widows, unleſs there ſhould be a child of the former huſband, in which caſe the allowance is to be drawn by ſome perſon in truſt. *Ibid.*
—— Exceptions as to thoſe who had received proviſions under particular laws. *Ibid.*
The power before veſted in the governor and council to approve or reject accounts paſſed by the auditor abrogated, and the auditor directed to take and adjuſt the accounts. 1786, ch. 49, § 6.
The agent of the bank ſtock empowered, with the approbation of the governor and council, to compound, compromiſe, ſettle and agree with, the truſtees of the bank ſtock belonging to this ſtate, or any other perſon or perſons concerning the ſame, on ſuch terms as the governor and council, under all circumſtances, might think to the advantage of the ſtate. *Ibid.* ch. 50, § 3.
Claims againſt perſons convicted of treaſon to be paid, when paſſed by the governor and council, out of the ſales of property. November, 1787, ch. 23.
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—— Reſpecting the appointment of commiſſioners to ſettle the pre-emption, &c. on the reſerved lands. *Ibid.* ch. 44, § 4.
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—— To ſuſpend or countermand executions againſt the collectors of the tax, and to prevent their being ſued out againſt them, on the terms therein mentioned. *Ibid.* § 4, 5.
—— To appoint a perſon or perſons on the part of the ſtate to attend the ſale of property, &c. and to purchaſe the ſame, and diſpoſe thereof for the ſtate, and to allow them an adequate compenſation. *Ibid.* § 6.
—— Empowered to appoint perſons at the Head of Elk, and near the line between this ſtate, Delaware and Pennſylvania, to prevent a violation of the inſpection law, and to ſeize any tobacco, carriages, &c. liable to be forfeited. 1789, ch. 26, § 3.
—— Inſpectors of tobacco to be recommended to them by the juſtices. *Ibid.* § 5, 1790, ch. 55, § 4.

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—— Two of the five, or one of the three recommended, to be appointed inſpectors. 1789, ch. 26, § 5, 1790, ch. 55, § 4.

—— Authoriſed and requeſted, on the death, refuſal, &c. of an inſpector, to appoint and commiſſion any other mentioned in the laſt recommendation for the reſidue of the year. 1789, ch. 26, § 9.

—— To appoint any other perſon if none of thoſe recommended ſhould be left. *Ibid.*

—— To furniſh annually, on or before the firſt of March, to the collectors of the United States in this ſtate, the names of the ſeveral inſpectors, and their reſpective warehouſes. *Ibid.* § 10.

—— The inſpectors directed to tranſmit to them annually, on or before the 10th of November, general liſts of tobacco delivered, with accounts of their manifeſts, &c. *Ibid.* § 11.

—— The governor and council directed to obtain from the collectors of the ports annually, the original manifeſts, or atteſted copies, and to examine and compare them with thoſe received from the inſpectors. *Ibid.*

—— If forgery or alteration appears therein, they are to order the attorney-general to commence proſecutions. *Ibid.*

—— Directions reſpecting the removal of inſpectors by the juſtices, and the tranſmiſſion of the complaint on appeal to the governor and council, and the removal or continuance of ſuch inſpectors by them. *Ibid.* § 41.

—— The determination of the juſtices entered in their proceedings reſpecting the number of warehouſes, quantity of tobacco, &c. to be tranſmitted to the governor and council. *Ibid.* § 59.

—— The governor and council to appoint thereupon more inſpectors, or reduce the number, as may be neceſſary. *Ibid.*

The governor and council empowered to fill the vacancies among the commiſſioners for building a court-houſe at Eaſton. *Ibid.* ch. 36, § 7.

—— The commiſſioners directed to account to them for all money received and expended under this act. *Ibid.* § 9.

Returns of the elections of delegates to congreſs, and of electors of the preſident and vice-preſident, to be made to the governor and council, for their inſpection and examination. 1790, ch. 16, § 9, 1795, ch. 73, § 4, 1799, ch. 50, § 15, 16.

—— The governor and council ſhall enumerate and aſcertain the numbers of votes for each and every candidate, and perſon choſen, and ſhall thereupon declare, by proclamation, the names of the perſons duly elected as repreſentatives and as electors. *Ibid.*

—— They ſhall tranſmit a certificate of the election of repreſentatives, under the ſeal of the ſtate, to the ſecretary of ſtate for the United States, or other proper officer authoriſed to receive the ſame, to be by him delivered to the houſe of repreſentatives in congreſs. *Ibid.*

—— Empowered to determine by lot in caſe of an equal number of votes in the elections therein mentioned. 1790, ch. 16, § 13, 1795, ch. 73, § 7.

—— On a vacancy in the repreſentation of this ſtate in the houſe of repreſentatives in congreſs, by death, &c. the governor and council ſhall iſſue writs of election to the diſtrict where ſuch vacancy ſhall happen. 1790, ch. 16, § 14.

—— Manner of iſſuing the writ or warrant. 1799, ch. 50, § 6.

—— If any of the commiſſioners in the act for laying off the election diſtricts ſhould refuſe, the governor and council authoriſed to fill the vacancy. 1799, ch. 50, § 21.

The governor and council to appoint a chief juſtice for each diſtrict, and two aſſociate juſtices in each county, for holding the county courts. 1790, ch. 33, § 4, 1796, ch. 43, § 4.

—— Vacancies, how to be filled. 1796, ch. 43, § 18, 1797, ch. 69, § 1.

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The governor and council directed to appoint a truſtee for ſtate, in caſe of vacancy by the truſtee's refuſing. 1790, 41, § 7.

—— The ſecurity to be given by the truſtee ſubject to approbation. *Ibid.* § 8.

—— Directions to them to publiſh the act reſpecting the ditors and debtors of the ſtate. *Ibid.* § 17.

—— The powers veſted in them by the act of 1789, ch continued. *Ibid.* § 15.

The printer of the ſtate directed to print and pack u votes and proceedings, laws and reſolutions, under their di on, and to prepare the number of copies neceſſary for the pe therein deſcribed, and to depoſit them in the council cha *Ibid.* ch. 51, § 3.

—— The clerk of the council directed, within three days the receipt of the ſaid laws, &c. from the printer, to en each packet for public ſervice, and ſubſcribe his name, and ver the ſame to the ſheriff of Anne-Arundel county. *Ibid.*

—— Letters ſent by the governor, and endorſed for p ſervice, and ſigned by the clerk of the council, deemed p letters. *Ibid.* § 10.

—— The governor and council to ſuperintend the fa execution of this act. *Ibid.* § 15.

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The governor and council directed to appoint inſpecto Beard's Point warehouſe, in Anne-Arundel county, as nomi by the juſtices. 1791, ch. 52.

—— Directed, as ſoon as congreſs ſhould paſs an act taining the ratio of repreſentation, to cauſe the ſame, tog with this act, to be publiſhed. *Ibid.* ch. 62, § 7.

The governor and council directed to publiſh the acts f turalization. November, 1792, ch. 14, § 6.

A certificate from the governor and council, ſigned b governor and atteſted by the clerk, declared to be evidenc preſentment or indictment againſt a ſheriff for failing to d in time returns of the elections of repreſentatives to co or of electors of preſident and vice-preſident. *Ibid.* c § 2.

Certificates loſt ſince the 1ſt of November, 1785, may newed on petition to the governor and council. *Ibid.* ch. 38

—— The party to produce the treaſurer's declaratio ſuch certificates were not received into the treaſury, or f and evidence that the loſs, and the intention to have it re have been advertiſed eight weeks in the papers therein me ed. *Ibid.*

—— They may then inquire into the caſe by witneſſe may direct the treaſurer to iſſue certificates for the amo the ſame. *Ibid.*

—— No certificate to iſſue till the party executes a with two ſecurities to be approved by the treaſurer, to inde the ſtate. *Ibid.* § 3.

—— Such bond to be a lien on the real eſtate of ſome the obligors to the value of the penalty. *Ibid.*

—— The eſtate to be ſpecified and endorſed on the ſaid *Ibid.* § 4.

—— The relief which the governor and council are e ered to give under this act confined to caſes of genui tificates, and not to extend to thoſe forged or counterfeit. § 4.

The governor and council directed to appoint perſons i county to make liſts of thoſe required to ſerve in the mil the act of congreſs. 1793, ch. 53, § 2.

—— Such liſts to be returned to the governor and c *Ibid.* § 7.

I N D E X.

GOVERNOR AND COUNCIL.

— The governor and council to appoint officers to the mi- greeably to the ſaid act of congreſs. *Ibid.*

— Directed, on or before the 20th of June, 1794, to ar- the militia into diviſions, brigades, regiments, battalions mpanies. *Ibid.* § 8.

e governor and council authoriſed to appoint one or more s, being able and ſkilful phyſicians, as health officers for the f Baltimore, and to have a temporary hoſpital erected, &c. ch. 56, § 2.

copy of the aſſeſſment or rate on each county to be tranſ- annually by the clerks to the governor and council. ch. 53, § 2.

e governor and council to appoint an inſpector of flour, &c. rre-de-Grace and Cheſter, on the death, refuſal, &c. of e appointed by the commiſſioners. 1796, ch. 21, § 3, ch. 7, § 3.

— To have a ſuitable number of blank marriage licences ed to the treaſurers, and to keep them provided with ſuch s from time to time. 1797, ch. 38, § 2, 6.

e preſident and directors of the Reiſter's-town turnpike y ſhall, when the roads are completed, tranſmit to the or and council an account of the coſts, and of the tolls ceived, and ſhall annually thereafter tranſmit to them ſuch s. *Ibid.* ch. 70, § 16.

governor and council to appoint, out of the juſtices of e in each county, ſeven of the moſt diſcreet, &c. to be ioned as juſtices of the levy court. 1798, ch. 34, § 1.

— Eleven inſtead of ſeven to be appointed in Baltimore, the city and ſeven for the county. *Ibid.* § 2.

y of the commiſſioners for laying off the diſtrict elections refuſe to accept the appointment before the time therein ed, the governor and council empowered to fill the va- 1799, ch. 50, § 21.

Their not ſignifying their refuſal to the governor and o be deemed an acceptance of the appointment. *Ibid.*

Perſons named by the governor and council to be deem- iſſioners, unleſs they notify their non-acceptance within ys after receiving their appointment. *Ibid.*

Such appointments to be proceeded in till ſome one ac- *Ibid.*

contract directed to be made with the Choptank Indians ged with the governor and council. *Ibid.* ch. 82, § 3.

governor and council to deliver arms and accoutrements lieutenant-colonels, for the ſelect companies. 1798, § 28.

— To appoint the officers to the ſelect companies. *Ibid.*

governor and council to appoint three men in each coun- judges of the orphans court. *Ibid.* No. 101, ch. 15, § 1.

The form of the commiſſion preſcribed. *Ibid.* § 2.

y of any of the books, papers, entries or proceedings, overnor and council, atteſted and ſworn to be true copies lerk of the council, ſhall be received in evidence in any c. as if the original books, &c. were produced. *Ibid.*

directors of the Suſquehanna canal company to lodge e governor and council bonds, with ſecurity to be ap- y them, for money loaned by this act. 1799, ch. 17, § 4.

Security to be given that the ſaid loan ſhall be applied ening of the canal. *Ibid.*

ſtate's agent, with the approbation of the governor and may make compoſition with any debtors. *Ibid.* ch. 80, §

— He may, by their advice, in caſes of uninſtalled debts, k and ſell the property not paid for, and may compro- ſuch caſes. *Ibid.* § 8.

GOVERNOR AND COUNCIL.

—— He may, with their approbation, compromiſe any ſuit in chancery with any ſtate debtor. *Ibid.* § 9.

—— The governor and council may, at the requeſt of the agent in caſes of difficulty, aid the attorney-general, by employing perſons to attend to ſurveys, or otherwiſe to aſſiſt in ſuch ſuits. *Ibid.* § 11.

—— Such perſons to be paid out of the contingent fund, and an account thereof to be laid before the aſſembly. *Ibid.*

—— The agent, under the directions and with the approbation of the governor and council, may delay any execution as long as they may think expedient and neceſſary. *Ibid.* § 12.

Bonds taken under this act to be a lien on the real property of the obligors, or on ſo much as the governor and council ſhall think ſufficient, to be mentioned in a ſchedule annexed to ſuch bond. *Ibid.* § 17.

The agent to give bond before the governor and council, with ſuch ſecurity as they ſhall approve, in the penalty therein mentioned. *Ibid.* § 23.

—— The governor and council may appoint a perſon in the place of the agent, if he ſhould not accept or ſhould not give bond, &c. *Ibid.* § 25.

The governor and council to appoint a wreck-maſter in Worceſter county for the preſervation of veſſels ſtranded. *Ibid.* ch. 82, § 2.

GRAIN.

Not to be valued or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

GRAND-CHILD.

Next to the widow and children, a grand-child is entitled to adminiſtration. 1798, No. 101, ch. 5, § 11.

—— None ſhall be preferred in the deſcending line below a grand-child. *Ibid.* § 18.

If there be a child or children, and a child or children of a deceaſed child, the child or children of ſuch deceaſed child ſhall take ſuch ſhare of the ſurplus of an inteſtate's eſtate as his, her or their deceaſed parent would, (if alive,) be entitled to. *Ibid.* ch. 11, § 6.

GRAND-FATHER.

If there be no collaterals, a grand-father may take the ſurplus of an inteſtate's eſtate, and if there be two grand-fathers, they ſhall take alike. 1798, No. 101, ch. 11, § 12.

GRAND INQUEST.

The houſe of delegates may inquire into all complaints, grievances and offences, as the grand inqueſt of the ſtate. Conſt. 10.

GRAND JURY.

No proceſs for any criminal matter or other miſdemeanor ſhall iſſue out of any court without a preſentment firſt found by the grand jury, unleſs by a ſpecial order of the court. 1715, ch. 48, § 1, 2.

—— Clerks not to iſſue ſuch proceſs without an order from an attorney. *Ibid.* § 3.

No attorney-general, or clerk of the peace or of indictments, ſhall exhibit any bill of indictment to a grand jury without an order from the court or one of the juſtices, or unleſs the offender be bound over to ſuch court, or preſented by the grand jury of their own knowledge. 1722, ch. 5.

Seven jurors from each county on the eaſtern and weſtern ſhores reſpectively to be ſummoned to the general courts, three of whom ſhall be of the grand jury and four for the petit jury. February, 1777, ch. 15, § 10.

—— The

GRAND JURY.

—— The ſheriffs to return to the county courts a pannel of forty-eight jurors, out of which twenty-three are to be drawn by ballot to ſerve as grand jurors during the term. 1797, ch. 87, § 8.

A liſt of licenſed ordinary-keepers to be delivered to the grand jury by the county clerks. March, 1780, ch. 24, § 21.

—— Their duty to preſent any perſon offending againſt the ſaid act. *Ibid.*

—— The conſtables to be ſworn up to them at every court. *Ibid.*

The juſtices of the county courts directed to give in charge to the grand juries at every court, to inquire into all matters and things as are given in charge to the orphans jury. 1793, ch. 45, § 12.

The court of Prince-George's county directed to give it in charge to the grand jury, to inquire into the breaches of the act for erecting a bridge over the Eaſtern Branch. 1795, ch. 62, § 9.

One aſſociate juſtice in the county courts may impannel and charge the grand jury. 1796, ch. 43, § 5.

—— May direct any witneſs to be ſworn to the grand jury. *Ibid.*

—— May receive any preſentment or indictment from the grand jury. *Ibid.*

The ſeveral county courts to give in charge to the grand juries the act relating to negroes, and to repeal the acts of aſſembly therein mentioned. *Ibid.* ch. 67, § 28.

—— To give in charge to the grand juries the act to regulate elections, at the court after every election. 1799, ch. 50, § 24.

Directions reſpecting grand and petit jurors in the Baltimore criminal court. *Ibid.* ch. 58, § 5.

GRAND-MOTHER.

A grand-mother, in caſe of the death of her huſband the grand-father, ſhall take the ſurplus of an inteſtate's eſtate as he might have done. 1798, No. 101, ch. 11, § 12.

GRANTS.

The great ſeal to be affixed to all grants as hath been heretofore practiſed in this ſtate. Conſt. 36.

All public grants ſhall run thus, "The State of Maryland," &c. and ſhall be ſigned by the governor, and atteſted by the chancellor, with the ſeal of the ſtate annexed. *Ibid.* 57.

Short extracts of the grants and certificates of the land on the weſtern and eaſtern ſhores reſpectively to be made in ſeparate books, and depoſited in the offices of the regiſters. *Ibid.* 51.

—— The regiſters to have the care of the extracts of grants, &c. November, 1781, ch. 20, § 3.

Directions for making out grants from the land-offices on the approbation of the chancellor. *Ibid.*

—— Same on the eaſtern ſhore on the approbation of the judge of the land-office there. 1795, ch. 61, § 2.

Grants of certain lands authoriſed. 1784, ch. 75.

GREAT-BRITAIN.

The inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the courſe of that law, and to the benefit of ſuch of the Engliſh ſtatutes as exiſted at the time of their firſt emigration, and which by experience have been found applicable to their local and other circumſtances, and of ſuch others as have been ſince made in England or Great-Britain, and have been introduced, uſed and practiſed by the courts of law or equity. Decl. 3.

The governor ſhall not, under any pretence, exerciſe any power or prerogative by virtue of any law, ſtatute or cuſtom of England or Great-Britain. Conſt. 33.

See BRITISH STATUTES.

GREAT-BRITAIN.

The treaty of peace made between the United States merica and his Britannic majeſty declared the ſupreme law in this ſtate, to be ſo adjudged in all courts, &c. April, ch. 25.

GREENSBOROUGH.

Erected as a village in Caroline county. 1791, ch. 8.

GRIEVANCES.

See GRAND INQUEST.

GUARDIANS.

The court iſſuing a commiſſion for the valuing, divi ſale of a real eſtate, ſhall appoint a guardian for the purp a minor who has not a guardian ſhall be intereſted. ch. 45, § 8.

Guardians to be appointed by the orphans courts to orphans entitled to real or perſonal property who have no ral guardians, or guardians appointed by will. 1798, No ch. 12, § 1.

—— Such appointment may be made at any time af probat of the will, or adminiſtration granted on the eſtate deceaſed. *Ibid.*

—— It may be made, if the court ſhall think proper, caſe of perſonal eſtate, either before or after the executor miniſtrator ſhall have paſſed his account. *Ibid.*

—— The court may have ſuch orphans brought befor for the purpoſe. *Ibid.* § 2.

—— May call on guardians under the ſtatute, or guardians, to give bond, and on failure may appoint *Ibid.* § 3.

Guardians appointed by the court to give bond with in the form therein preſcribed. *Ibid.* § 4.

Directions for the delivery of the eſtate into the gu hands. *Ibid.* § 5.

In what manner a guardian ſhall have the eſtate viewed § 6.

Waſte not to be committed, but the court may allow gu to cut down and ſell wood, and account therefor, if n for the ward. *Ibid.* § 7.

Mode of managing the eſtate by cultivation for th leaſing, or taking it at an annual valuation by the gu *Ibid.* § 8.

Guardians ſhall account for the profit and increaſe eſtate, and ſhall not be anſwerable for any loſs or decre tained without their faults. *Ibid.* § 9.

—— Directions for ſettling their accounts with the courts once in every year, or oftener if required. *Ibid.*

—— The court to aſcertain the ſum to be annually ex for maintenance or education. *Ibid.*

—— They may allow the guardian to exceed the and make uſe of the principal, or ſell a part thereof. *Ib*

—— But no part of the real eſtate ſhall on ſuch acc diminiſhed without the approbation of the chancery or court, as well as the orphans court. *Ibid.*

—— The firſt account ſhall ſtate the property recei belonging to the ward, and the income and profits. *Ibi*

The court may order a ſale of the perſonal property of conſiſting of ſpecific articles. *Ibid.* § 12.

—— Such ſale to be proceeded in as in the caſe of e and adminiſtrators. *Ibid.*

Guardians accounts to ſtate the expenditures for maint &c. *Ibid.* § 13.

—— They ſhall not be charged intereſt for any ba their hands, unleſs they conſent ſo to take it, but the co place the ſame out at intereſt. *Ibid.*

GUARDIANS.

— Guardians may be allowed commiſſion not exceeding ten ...ent. *Ibid.*

...n a guardian failing to account, he may be ſued on his bond, ...be liable to attachment and fine in the orphans court, but ...not be liable to any fine in a court of law. *Ibid.* § 14.

...The guardian to exhibit a final account, and deliver up the ...erty, agreeably to the court's order, on the ward's arrival at ... *Ibid.* § 15.

— On failure his bond to be put in ſuit. *Ibid.*

...he orphans courts to hear and determine upon all accounts ...een wards and their guardians. *Ibid.* ch. 15, § 12.

— They may, on the application of an infant or any per... on his behalf againſt a guardian, inquire into the complaint, ...remove the guardian and appoint another. *Ibid.*

...othing in this act to affect the general ſuperintending power ...e court of chancery with reſpect to truſts. *Ibid.* ch. 12, § 16.

GUNPOWDER.

...rections for its being ſtored by the Maryland inſurance fire ...any in Baltimore. 1791, ch. 69, § 17.

— For its being ſtored by other perſons by their permiſſion. ...mber, 1792, ch. 7, § 8.

...e INSURANCE.

HABEAS CORPUS.

DIRECTIONS for ſuſpending the *habeas corpus* act during ...any invaſion of this ſtate by the enemy, as to the perſons ...n deſcribed when arreſted by the order of the governor and ...il. February, 1777, ch. 20, § 12.

...the return of a writ of *habeas corpus*, the judges of the ...l court ſhall, on the prayer of the plaintiff, award a *pro*... on ſuch writ, if it ſhall appear to them that the original ...r damages, or (if brought on a bond or other ſpecialty, or ... exchange,) that the principal ſum mentioned in ſuch ...y or condition thereof, or due on ſuch bill of exchange, ...not exceed £. 20 ſterling, £. 33 6 8 current money, or ...lbs. tobacco. October, 1778, ch. 21, § 11.

...e allowance of a judge of the general court not neceſſary ...rit of *habeas corpus*. July, 1779, ch. 4.

...ery perſon charged, apprehended or indicted, for any capi... ...me, or ſuch as will ſubject ſuch perſon upon conviction to ...mous puniſhment, ſhall have a right, upon application to ...dge of the general court, or any two juſtices of the coun... ...rt, to an *habeas corpus cum cauſa*, to remove himſelf, ...the proceedings, to the general court, where ſuch perſon ...e tried. 1785, ch. 87, § 8.

... indictment found before the juſtices of the criminal ...of Baltimore ſhall be removed at the inſtance of the party ...uted, without the leave of the ſaid juſtices, or the ſpecial ...of the general court, or ſome one of the judges thereof. ... ch. 58, § 1.

...e county courts while ſitting, and at other times the chief ...s of the diſtricts, empowered, on application, to iſſue their ...of *habeas corpus*, and cauſe to be brought before them any ... in confinement within their juriſdiction, and to inquire ...he cauſe thereof, and either diſcharge, admit to bail, or ...t ſuch perſon or perſons, as the caſe may require, in the ...manner as practiſed by the judges of the general court. ... ch. 106.

HALF BLOOD.

...ations of the whole blood ſhall be preferred to thoſe of the ...ood in equal degree, and relations of the half blood ſhall ...erred to relations of the whole blood in a remoter degree. ... No. 101, ch. 5, § 16.

HALF BLOOD.

Among collateral relations of an inteſtate there ſhall be no diſtinction between the whole and half blood. *Ibid.* ch. 11, § 11.

HARBOURERS OF SERVANTS OR SLAVES.

See NEGROES and SLAVES. SERVANTS.

HARBOURS.

The unlading of ballaſt, except in the day-time, and at the places therein mentioned, reſtricted, under a penalty of £. 50. 1734, ch. 16, § 2.

—— The building of wears, &c. ſo as to injure the channel or obſtruct the paſſage of boats, prohibited, under a penalty of £. 10. *Ibid.* § 3.

—— Directions reſpecting ſpecial bail, and reſpecting the coſts in actions brought under the above act. 1774, ch. 18.

HARD LABOUR.

See CRIMES and PUNISHMENTS.

HARFORD COUNTY.

After the 2d day of March, 1774, all that part of Baltimore county included within the bounds therein mentioned, erected into a new county, by the name of Harford County. November, 1773, ch. 6, § 2.

—— Proviſion for procuring land near Buſh-town for a court-houſe and priſon, and for the building thereof, and for holding courts and keeping priſoners until they ſhould be built. *Ibid.* § 3 to 9.

—— Conveyances of land in Harford county, which, before the diviſion, were legally acknowledged in Baltimore, to be recorded in either county. *Ibid.* § 10.

—— Directions reſpecting executions on former judgments, and reſpecting the commitments of priſoners. *Ibid.* § 11.

—— As to the delegates of both counties. *Ibid.* § 13.

An election to be held to determine at what place the court-houſe and priſon ſhould be built, and directions for building the ſame on the place determined on. November, 1781, ch. 10.

—— A ſupplement to the above act. 1784, ch. 10.

The erection of the public buildings ſuſpended. 1785, ch. 58.

An election to be held to determine whether the court-houſe and priſon ſhould be held at Belle-Air, or at Havre-de-Grace. 1786, ch. 24.

An act for the relief of the poor. November, 1787, ch. 16.

—— A ſupplement thereto. 1794, ch. 68.

Money to be aſſeſſed to complete the public buildings. November, 1788, ch. 23.

—— A further tax laid therefor. 1790, ch. 34.

Robert Amos, junior, collector of the ſinking fund tax therein, allowed further time to complete his collection. 1789, ch. 4.

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—— Proviſions for taking the ſheriff's bond. *Ibid.* § 3, ch. 47.

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The truſtees of the poor directed to exhibit annually to the levy court their expenditures, to be lodged in the clerk's office for inſpection. *Ibid.* ch. 68.

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HAWKERS AND PEDLERS.

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The governor and council authoriſed to appoint one perſons, being able and ſkilful phyſicians, as health offi the port of Baltimore. 1793, ch. 56, § 2.

—— Their duty preſcribed as to examining veſſels, them perform quarantine, &c. *Ibid.*

—— Penalty on maſters of veſſels as therein mentione ing without a permit. *Ibid.* § 3.

—— On their concealing any infected perſon. *Ibid.*

—— On pilots tranſgreſſing the regulations therein co *Ibid.* § 5.

—— A temporary hoſpital to be erected. *Ibid.* § 7.

HEIR.

Directions for the appearance of the heirs in actio would have abated by the death of a party. 1785, ch.

—— For the continuance of the ſuits therein m during the minority of the heir. *Ibid.* § 2.

—— The plea of *non est factum* may be put in by an leave from the court, on ſhewing juſt cauſe. *Ibid.* § 3.

Limitations of real eſtates to ſpecial or particular therein mentioned not affected by the act to direct 1786, ch. 45, § 6.

The heir may have an action againſt a widow con waſte on the land of the deceaſed. 1798, No. 101, § 6.

A common warrant for land, executed or located in time of the deceaſed, ſhall be conſidered as the property heirs. *Ibid.* ch. 14, § 3.

HEIR-LOOMS.

Not to be aſſets in the hands of an executor or admi 1798, No. 101, ch. 7.

HOG STEALERS.

Perſons killing any unmarked ſwine above three mo not on their own land, or with their own ſtock, ſhall be hog ſtealers, and be liable to reſtore fourfold, and to be by pillory and whipping. 1715, ch. 26, § 5.

—— Perſons concealing or diſfiguring the marks of killed, by cutting off their ears, &c. to be adjudged hog *Ibid.* § 6.

—— Penalty on perſons convicted of hog ſtealing, crimes, and on perſons of evil fame, or vagrants, or livers, ſhooting, hunting, or carrying a gun on any la there is a ſeated plantation, without the owners leave, being warned. *Ibid.* § 7.

I N D E X.

HOMICIDE.

If a mortal ſtroke ſhall be given on one ſhore of this ſtate, and the party ſtricken ſhall die thereof within a twelve-month and a day therefrom on the other ſhore of this ſtate, the party giving ſuch mortal ſtroke, and all aiders, &c. may be tried by the general court of either ſhore, or by juſtices of oyer and terminer, ſitting either in the county where the ſtroke ſhall be given, or where the death ſhall happen. 1789, ch. 22, § 2.

If a mortal ſtroke ſhall be given on the waters of the Cheſapeake, and the party ſtricken ſhall die thereof within a year and a day, or if a mortal ſtroke ſhall be given in any part of this ſtate, and the party ſo ſtricken ſhall die thereof within a twelve-month and a day on the ſaid waters of the Cheſapeake, the principal, and all aiders, &c. may be tried in the general court of either ſhore, or before juſtices of oyer and terminer, ſitting in any county on either ſhore. *Ibid.* § 3.

If a mortal ſtroke ſhall be given on the waters of any river or creek dividing any counties of this ſtate, and the party ſtricken ſhall die thereof within a twelve-month and a day either on the waters of any ſuch river or creek or on land in this ſtate, or if a mortal ſtroke ſhall be given on land in this ſtate, and the party ſtricken ſhall, within a twelve-month and a day, die thereof on the waters of any river or creek dividing any counties of this ſtate, in ſuch caſes the party, and all aiders, &c. may be tried in the general court of the ſhore where the ſtroke was given, or of the ſhore where the death ſhall happen, or before juſtices of oyer and terminer, ſitting in either of the counties divided by the waters of the rivers or creeks, as aforeſaid. *Ibid.* § 4.

HORSES.

Fences to be five feet high, and the owners of horſes, &c. to confine them in ſufficient encloſures. 1715, ch. 31, § 1.

— Horſes, &c. breaking into any field, may be ſhot, on the right of the owners to keep them up on notice being twice given. *Ibid.* § 2.

— But the injured perſon not to kill them unleſs on his inclosed grounds. *Ibid.* § 3.

— Penalty on taking and keeping, or riding or working, another man's horſe. *Ibid.* § 5.

— Directions for carrying ſtray horſes before a magiſtrate, &c. *Ibid.* § 4.

— Reſpecting horſes and colts found looſe, and brood mares kept in the woods. *Ibid.* § 12, 13, 14.

— For ſetting up and publiſhing the marks, &c. and penalty for taking up horſes contrary thereto. 1769, ch. 18, § 3.

HORSE STEALERS.

An act for the puniſhment of horſe ſtealers. 1799, ch. 61.

HOSPITAL.

A temporary hoſpital to be erected for perſons moved on ſhore by the health officer of the port of Baltimore. 1793, ch. 56, § 1.

The treaſurer directed to pay to the mayor of the city of Baltimore 8000 dollars, to be applied to the eſtabliſhment of a marine ſtate hoſpital, in or near the ſaid city. 1797, ch. 92.

The chancellor, on the application of a truſtee, may direct any lunatic to be ſent to ſome hoſpital or receptacle in Philadelphia, that can be received, to remain till further order. *Ibid.* ch. 114, § 7.

HOTCHPOT.

The eſtate received by way of advancement may be brought into hotchpot. 1786, ch. 45, § 5.

ADVANCEMENT. DESCENTS.

HOUSE BREAKING.

Perſons convict of breaking into any ſhop, ſtore-houſe or warehouſe, though not contiguous to or uſed with a manſion-houſe, and their acceſſories, to ſuffer death without benefit of clergy. 1729, ch. 4, § 2.

Perſons breaking into any tobacco-houſe, or other out-houſe, and ſtealing from thence goods or chattels to the value of 5*s.* ſterling, and their acceſſories, to ſuffer death without benefit of clergy. 1737, ch. 2, § 2.

—— Provided ſuch tobacco-houſes, or other out-houſes, be well boarded, or otherwiſe ſubſtantially built, and the doors locked, bolted in the inſide, or nailed. *Ibid.* § 3.

HOUSES.

The Baltimore inſurance fire company empowered to make inſurance on all dwelling-houſes or other buildings in this ſtate or elſewhere. April, 1787, ch. 20.

For other matters, ſee INSURANCE.

IDIOTS.

THE chancellor empowered, on the application of the truſtee of an idiot, and being ſatisfied that confinement is neceſſary, to direct the ſaid truſtee to ſend the perſon to ſome hoſpital or receptacle in Philadelphia, and to have ſuch perſon brought back, and to enforce his order. 1797, ch. 114, § 7.

Perſons of unſound mind not to be executors. 1798, No. 101, ch. 4, § 1.

Letters of adminiſtration not to be granted to an idiot. *Ibid.* ch. 5, § 1.

—— The inquiſition of a jury, finding the party an idiot, ſhall be concluſive evidence. *Ibid.* ch. 4, § 5.

For other matters, ſee INFANTS.

ILLEGITIMATE CHILDREN.

Duty of magiſtrates, conſtables and courts, reſpecting them. November, 1781, ch. 13, 1785, ch. 47, 1796, ch. 34.

See FORNICATION.

—— Manner of their being legitimated. 1786, ch. 45, § 7.

—— Proviſion made for binding them apprentices. 1793, ch. 45, § 2.

IMPARLANCE.

Parties to ſuits not liable to amerciament unleſs they imparle. 1722, ch. 12, § 1.

Directions reſpecting imparlance on ſuits for public debts. October, 1777, ch. 20, § 26, March, 1778, ch. 9, § 2.

—— On ſuits againſt the collectors therein mentioned. 1797, ch. 69.

IMPRISONMENT.

No free man ought to be taken or impriſoned but by the judgement of his peers or the law of the land. Decl. 21.

The different branches of the legiſlature empowered to puniſh, by impriſonment, perſons guilty of the offences therein mentioned. Conſt. 12.

Perſons convicted of ſubornation of perjury to be impriſoned for one whole year, if they have not property ſufficient for the payment of the fine therein mentioned. 1692, ch. 16, § 2.

Perſons convicted of perjury to be impriſoned ſix months. *Ibid.* § 4.

Perſons breaking open any letters to be fined and impriſoned ſix days. 1713, ch. 2, § 8.

Actions of aſſault, &c. and impriſonment, to be brought within one year. 1715, ch. 23, § 2.

I N D E X.

IMPRISONMENT.

Savings in the acts for limitation of actions to perſons impriſoned. *Ibid.* § 3, 6, 1729, ch. 24, § 22, ch. 25, § 4.

Savings to perſons impriſoned as to the adjudication of commiſſioners for marking and bounding lands, and as to ſuits brought againſt ſuch adjudications. 1786, ch. 33, § 5.

Witneſſes preſent in court refuſing to give their evidence ſhall be committed to gaol, there to remain till they ſhall willingly do the ſame. 1715, ch. 37, § 5.

Magiſtrates out of court empowered to puniſh perſons miſbehaving before them in the execution of their office by impriſonment not exceeding two days. 1719, ch. 4, § 3.

Perſons reviling any magiſtrate or other officer putting the act to puniſh blaſphemers, &c. in execution, and not giving ſecurity as therein preſcribed, may be impriſoned for one month. 1723, ch. 16, § 7.

Perſons cutting or deſtroying tobacco plants belonging to other perſons, or cauſing the ſame, ſhall forfeit £. 100 0 0, and be impriſoned ſix months, and till the ſaid ſum is paid. 1744, ch. 5, § 2.

—— If the offender is unable to pay the ſame, he ſhall remain in priſon for one whole year. *Ibid.*

Servants to make ſatisfaction by ſerving their maſters for the time they may have loſt by impriſonment for any offences. 1750, ch. 5, § 1.

Perſons unable to pay the forfeiture for enticing ſlaves to run away ſhall be impriſoned one year. 1751, ch. 14, § 10.

Proviſion made for the payment of fees where witneſſes againſt perſons accuſed for criminal matters are committed for want of ſecurity for their appearance. 1752, ch. 13.

Time of impriſonment required to ground a petition under the act for the relief of inſolvent debtors. 1774, ch. 28, § 1.

Perſons refuſing to ſerve in the militia when draughted, and unable to pay the price of a ſubſtitute, may be impriſoned on the warrant of a juſtice not exceeding twenty days. 1793, ch. 53, § 20.

Perſons voting twice at one election may be fined and be impriſoned not exceeding one month. 1799, ch. 50, § 13.

Perſons practiſing force and violence at an election may be fined and be impriſoned not exceeding ſixty days. *Ibid.* § 17.

Perſons giving or promiſing any gift or reward to ſecure any perſon's vote or ballot may be impriſoned not exceeding ſix months. *Ibid.* § 18.

IMPROVEMENTS.

On the lands of orphans to be ſet down by the perſons procured to view them on the appointment of guardians. 1798, No. 101, ch. 12, § 6.

INCLOSURES.

By fences or otherwiſe to be five feet high. 1715, ch. 31, § 1.

See HORSES.

Penalty on hunting within the encloſed grounds therein deſcribed. 1728, ch. 7, § 7.

INCREASE.

See DECREASE.

INDENTING.

Declared not neceſſary to the validity of any deed to be thereafter made. 1794, ch. 57.

INDENTURES.

Indentures of apprenticeſhip to be recorded in the orphans courts, and thoſe taken by juſtices to be ſubject to the approbation of that court. 1793, ch. 45, § 4, 6, 1794, ch. 47.

See APPRENTICES. See alſo CONVEYANCES.

INDIAN LANDS.

Land in Dorcheſter county, within certain bounds, confi to the Nanticoke Indians. 1704, ch. 58, § 2.

—— Former grantees to enter on the Indians quitting. § 3.

—— Land to be laid out and ſurveyed in Somerſet c ty for their uſe, and condemned and valued. 1711, c § 2, 3.

—— To be veſted in certain perſons for their uſe, and they ſhould ceaſe to occupy it, to be diſpoſed of by the and all former rights to be barred. *Ibid.* § 4, 5.

An act for quieting the poſſeſſions of the Indians on N coke and Choptank rivers. 1723, ch. 18.

—— For granting a compenſation to the Nanticoke In for the lands therein mentioned. 1768, ch. 7.

The governor and council authoriſed to appoint ſome to treat with the Indians entitled to lands in Dorcheſter co and to make ſale thereof. 1785, ch. 88, § 4.

Commiſſioners appointed to purchaſe of the Choptank In their lands in Dorcheſter county. 1798, ch. 82, § 1, 2.

—— Certain lands to be reſerved for them. *Ibid.* § 2.

—— Directions for drawing and recording the agree *Ibid.* § 3.

—— For having the lands ſurveyed and laid off into *Ibid.* § 4, 5, 6.

The agent for the ſtate directed to ſell the ſaid lands manner therein preſcribed. *Ibid.* § 7.

Allowance to the commiſſioners, ſurveyor and agent. § 8, 9.

The Indians prohibited from ſelling the parts reſerv them, and penalty on perſons purchaſing from them. § 10.

The commiſſioners to take an oath for the faithful di of their duty. *Ibid.* § 11.

Suits directed to be brought for the ſaid lands in caſe tract ſhould be made. *Ibid.*

INDICTMENT.

In criminal proſecutions every man hath a right to have py of the indictment or charge in due time, (if require prepare for his defence. Decl. 19.

All indictments ſhall conclude "againſt the peace, ment and dignity of the ſtate." Conſt. 57.

The mode of proſecution to be by indictment in acts direct it to be by bill, plaint or information. November, ch. 20.

One aſſociate juſtice may direct proceſs to iſſue on a ſentment or indictment. 1796, ch. 43, § 5.

—— May receive any preſentment or indictment fr grand jury. *Ibid.*

—— May take recognizance for the appearance of preſented or indicted. *Ibid.*

May commit any perſon preſented or indicted for wan curity. *Ibid.*

Manner of removing indictments from the criminal Baltimore. 1799, ch. 58, § 1.

INDORSEMENT.

Puniſhment for forging or counterfeiting any endorſe a bill, bond, &c. 1799, ch. 75.

INFANTS.

Savings to infants in the acts for limitation of actions ch. 23, § 3, 6, 1729, ch. 24, § 22, ch. 25, § 4.

—— As to the adjudication of commiſſioners for and bounding lands, and as to ſuits brought againſt ſu dications. 1786, ch. 33, § 5.

I N D E X.

INFANTS.

Directions respecting conveyances by infants or their guardi- of lands bound by contract, &c. November, 1773, ch. 7, ber, 1778, ch. 22.

— Respecting conveyances of lands so bound to infants. l, ch. 79, § 4.

— Respecting decrees for the foreclosure or sale of mort- d property in which infants are concerned. 1785, ch. 72, 2.

— Respecting the sale, (for payment of debts,) of real es descending or devised to infants. *Ibid.* § 5.

— Same as to infants in other states. 1789, ch. 46.

— Same as to infants out of the United States. 1790, 8, 1799, ch. 79, § 4.

— Respecting the sale of lands, &c. in which infants have t interest, or interest in common with other persons. 1785, 2, § 12.

— Respecting a partition of such lands. 1794, ch. 60, 1797, ch. 114, § 5.

e CHANCERY.

ovision made for the division or sale of real estates descend- o infants. 1786, ch. 45, § 8, 9.

— Directions for the appointment of guardians to infants plication for such division or sale. *Ibid.* § 8.

e DESCENTS.

hen guardians shall be appointed for infants. 1798, No. ch. 12, § 1.

— The orphans court may bring infants before them for rpose of appointing guardians. *Ibid.* § 2.

— They may, on the application of any friend of an in- tall on guardians by will, or natural guardians, to give *Ibid.* § 3.

e GUARDIANS.

INJUNCTION.

ulations respecting injunctions in suits on testamentary or stration bonds. 1718, ch. 5, § 2.

continuance of actions by injunction from chancery not within the limitations herein contained. 1721, ch. 14, § 2.

pplication of any person who shall think fit to proceed in against any verdict or judgment rendered against him in unty court, such court may take security from him, with fficient securities, in not less than double the debts and recovered, in the form herein prescribed. 1723, ch. 8,

— Such bond shall be a sufficient supersedeas to stay further dings, until a certificate is obtained out of chancery, ei- of the disallowance of an injunction in such case, or that injunction has not been sued out of chancery within two s, or is dissolved. *Ibid.*

cution may be issued on any judgment within one year the dissolution of an injunction from the court of chancery. r, 1778, ch. 21, § 7.

ections respecting injunctions to stay waste. 1785, ch. 72,

e CHANCERY.

ere an injunction is prayed to stay proceedings at law for gment of any debt claimed by the state, the chancellor shall er such injunction on the affidavit of the complainant on- shall be fully satisfied by other proof that the material in the complainant's bill are true. 1786, ch. 53, § 3.

cutions issued on the order of the president of the bank ryland not liable to be staid by injunction from the chan- 1790, ch. 5, § 13.

— Same as to the bank of Columbia. 1793, ch. 30, § 14.

pplication for an injunction to stay proceedings at law, ancellor shall have power to prescribe the penalty of a

INJUNCTION.

bond to be executed, with a surety or sureties to be approved by him, before such injunction is granted. *Ibid.* ch. 75, § 2.

Where an injunction is obtained by executors or administrators on filing such bonds, the chancellor may decree against them as equity and good conscience require. *Ibid.* § 3.

On a judgment on motion against a sheriff or collector for refusing or neglecting to pay over money no injunction allowed. 1797, ch. 43.

—— The same on a judgment on such motion by a sheriff or collector against his deputy. *Ibid.*

—— The same on a judgment on motion against a sheriff refusing or neglecting to pay over militia fines. 1798, ch. 100, § 20.

INQUEST.

See GRAND INQUEST.

INQUIRY.

In actions of replevin for property taken for taxes, if the plaintiff is nonsuit, except on verdict, a writ of inquiry may issue to ascertain the amount of the taxes due. 1790, ch. 53, § 5.

—— On judgment against the defendant by default, a writ of inquiry may issue to ascertain the damages. *Ibid.* § 6.

When an interlocutory judgment is entered, the court shall, on motion, make an order, in the nature of a writ of inquiry, to charge the jury attending at the same or the next term to inquire of the damages and costs sustained. 1794, ch. 46.

—— The inquiry to be made, and the evidence given, in open court, in the same manner, &c. as on jury trials. *Ibid.*

—— Their inquisition to be forthwith returned under their hands and seals. *Ibid.*

—— The court thereupon shall proceed to judgment as on inquisitions of that kind returned by the sheriff. *Ibid.*

INQUISITION.

Directions respecting inquisitions from the chancery court, on persons named as executors being alleged to be idiots, lunatics, &c. 1798, No. 101, ch. 4, § 5.

INROLMENT.

See CONVEYANCES.

INSOLVENT DEBTORS.

Any person committed or charged in execution, or for want of special bail having actually remained in prison thereon 20, and not more than 60 days, may petition any three justices of the county for his discharge. 1774, ch. 28, § 1, 4.

—— Such justices shall appoint a time of meeting, not less than 30, or more than 40 days, at the court-house or gaol, and certify in writing such appointment to the sheriff. *Ibid.* § 1.

—— The sheriff shall, 20 days before such meeting, fix one copy of such certificate at the door of the county clerk's office, and another at the prison door. *Ibid.*

—— The said justices, or two of them, shall attend, and the sheriff shall attend with the prisoner, and make known the cause of his imprisonment, and the time he has been imprisoned. *Ibid.*

—— Unless it appears to the said justices so attending, by such cause of commitment, or by the allegation on oath of a creditor, that such prisoner's debts amount to the value of £. 200 sterling, such prisoner may deliver to the sheriff a schedule of his whole estate, &c. and shall receive from him a duplicate thereof, under his hand, and the said justices shall subscribe their names as witnesses thereto, and administer to the prisoner an oath to the truth thereof, and transmit the same to the clerk of the county, to be preserved in his office for the information of the creditors. *Ibid.*

I N D E X.

INSOLVENT DEBTORS.

—— The eſtate of ſuch priſoner ſhall be veſted in the ſheriff, who is to ſell the ſame, and, (after deducting 1/4 per day for keeping ſuch priſoner, and 7½ *per cent.* commiſſion,) ſhall apply the reſidue to the payment of the debts. *Ibid.* § 2.

—— Where the truſt is not fully executed, the eſtate, &c. is transferred to the ſucceeding ſheriff, who is to complete the ſame, and the former ſheriff, or his executors, are to account with ſuch ſucceeding ſheriff, who may, in default thereof, bring an action in his own name againſt them. 1797, ch. 117.

The ſheriff is not obliged to ſue for debts due to the priſoner unleſs indemnified as to charges thereon. 1774, ch. 28, § 3.

—— He ſhall pay what may be recovered in proportion, ſaving neceſſary apparel and utenſils of trade not exceeding £. 5, to be valued by the aforeſaid juſtices. *Ibid.* § 2, 3.

Notice to be given before ſuits are brought, and creditors having been paid, to refund to the others in proportion. *Ibid.* § 4.

The time from the diſcharge till the bringing of the ſuit, (if brought within one year therefrom,) not to be affected by any act of limitation. *Ibid.*

After the delivery of ſuch ſchedule, &c. on oath, and the tranſmiſſion thereof, the ſaid juſtices, or two of them, ſhall, by their order in writing, command the ſheriff to ſet ſuch priſoner at liberty. *Ibid.* § 5.

—— Such order ſhall be ſufficient to diſcharge and indemnify the ſheriff againſt any eſcape or other action, and if ſued, he may plead the general iſſue, and give this act, &c. in evidence. *Ibid.*

—— The creditors may, notwithſtanding ſuch diſcharge, at any time afterwards, without a writ of *ſcire facias*, ſue out on their judgments writs of *fieri facias* or attachment for the balances due againſt any lands, &c. acquired or poſſeſſed by ſuch inſolvent perſon by deſcent, gift, deviſe, bequeſt, or in a courſe of diſtribution. *Ibid.* § 6.

If ſuch perſon ſhall be arreſted or impriſoned on a judgment for any debt, &c. contracted before ſuch diſcharge, the court from which the proceſs iſſues may diſcharge ſuch priſoner on motion. *Ibid.* § 7.

—— And if arreſted on proceſs for the recovery of any debt, &c. ſo contracted, may take his common appearance without bail. *Ibid.*

—— The diſcharge of ſuch priſoner not to acquit any other perſon from ſuch debt, &c. *Ibid.*

—— The juſtices ſhall not relieve from confinement a perſon committed for any fine, forfeiture, or coſts of proſecution. November, 1792, ch. 51.

If a creditor ſhall, on the day appointed, appear before the priſoner's diſcharge, and allege that ſuch priſoner has ſold or leſſened his property to defraud his creditors, and ſhall give bond, in the penalty of £. 50, to be approved by the juſtices, to pay all damages, &c. which the priſoner may ſuſtain by reaſon of ſuch objection, if over-ruled, the juſtices ſhall not diſcharge ſuch priſoner, but ſhall ſtay further proceedings, and return the bond to the next county court. 1774, ch. 28, § 8.

—— The county court ſhall hear and determine in a ſummary way ſuch allegation of the creditor; if againſt the priſoner, he ſhall have no benefit of this act, and judgment ſhall paſs againſt him for coſts; if againſt the creditor, the priſoner ſhall be diſcharged, on delivering in open court ſuch ſchedule, and taking the oath as aforeſaid, and all his eſtate ſhall be veſted in the ſheriff as if he had been diſcharged by the juſtices as aforeſaid. *Ibid.*

—— The court may aſcertain what damages the priſoner has ſuſtained by the falſe allegation of ſuch creditor, and adjudge them to him, with coſts, ſo as not to exceed the penalty of the bond. *Ibid.*

INSOLVENT DEBTORS.

—— The damages and coſts ſo recovered are not to be ve in the ſheriff or ſubjected to the creditors. *Ibid.* § 10.

—— The court may order the priſoner to be brought in, may remand him, and appoint an early time for the trial of iſſue. *Ibid.* § 9.

Perſons convict of perjury in ſwearing under this act ſuffer as in caſes of wilful and corrupt perjury, ſhall be liable t taken on proceſs *de novo*, and charged in execution for their de and ſhall never after have the benefit of this act. *Ibid.* §

Certain inſolvent debtors therein named to be relieved ſuant to the proviſions in the act of 1774. 1785, ch. 42.

Acts for the relief of the inſolvent debtors therein reſpecti mentioned. November, 1788, ch. 6, ch. 17, 1789, ch. ch. 43, 1790, ch. 13, ch. 45, ch. 54, 1791, ch. 73, A 1792, ch. 8, November, 1792, ch. 67, 1793, ch. 11, ch. 1794, ch. 72, 1795, ch. 84, 1796, ch. 70, 1797, ch. ch. 82, ch. 97, ch. 98, ch. 111, 1798, ch. 14, ch. 26, ch. ch. 64, ch. 79, ch. 102, ch. 109, 1799, ch. 11, ch. 26, ch ch. 40, ch. 41.

On the application of the perſons therein named to the cellor, offering to deliver all their property to the uſe of creditors, the chancellor ſhall direct notice to be given as th preſcribed. 1799, ch. 88, § 2.

—— On the appearance of the creditors, or their negle appear on notice, the chancellor ſhall adminiſter to the petit the oath or affirmation therein preſcribed. *Ibid.*

—— The chancellor ſhall thereupon name ſuch perſon as jority of the creditors in value, their agents, &c. then preſent, recommend, to be a truſtee for the benefit of the creditors.

—— He ſhall name ſuch perſon as he ſhall think pro the creditors do not attend or make a recommendation. *Ib*

No perſons but citizens of the United States and of thi to be entitled to the benefit of this act. *Ibid.* § 3.

The perſon to produce, at the time of petitioning, the in writing of his creditors to the amount of two thirds in of the debts due from him on the paſſage of this act. *Ibi*

—— Foreign creditors, not reſiding or having agent powered in the United States, not included herein. *Ibid.*

—— The chancellor empowered, without ſuch conſent, charge the perſon only of the debtor. *Ibid.*

—— But perſons engaged in trade or merchandiſe nee procure ſuch aſſent, but if ſo many as have due to the fourth in value ſhall not lodge with the chancellor their diſ writing, on or before the expiration of ſix months after not before directed, ſuch debtors ſhall be entitled to relief as i had procured the aſſent of two thirds of their creditors as ſaid, if notice is given that they petition as traders, &c. § 12.

—— Bond to be given by the truſtee, and on his refuſ gleet, &c. another truſtee to be appointed. *Ibid.* § 4.

On the petitioner executing a deed to the truſtee, and d ing to him all his property, &c. the chancellor, on being c thereof, may order that the ſaid debtor ſhall be diſcharge all debts, covenants, contracts, promiſes and agreements, the date of the ſaid deed. *Ibid.* § 5.

—— Provided that he ſhall not thereby be diſcharge the payment of any fine. *Ibid.*

—— Provided alſo, that any property which he ſhall after acquire by gift, deſcent, or in his own right by b deviſe, or in any courſe of diſtribution, ſhall be liable payment of the ſaid debt, and that the diſcharge of ſuch ſhall not diſcharge any other perſon from any debt. *Ibid*

The chancellor may allow ſuch debtor to retain the n wearing apparel of himſelf and family. *Ibid.* § 6.

The chancellor may direct the truſtee to ſell the pro he ſhall think moſt for the advantage of the creditors. *Ib*

INSOLVENT DEBTORS.

— The produce to be divided according to the ſeveral ms and liens, but no judgment to be entered after the paſſage this act ſhall be a judgment on ſuch debtor's real property, ſhall any proceſs be effectual againſt his property, except rit of *fieri facias* laid before the paſſing of this act. *Ibid.*
Truſtees empowered to ſue in their own names. *Ibid.* § 8.
Proceedings directed when fraud by the debtor is alleged. § 9.
Commiſſion allowed to the truſtees. *Ibid.* § 10.
The chancellor may make and enforce rules, &c. for the con- of the truſtees, and remove them if neceſſary. *Ibid.*
Proviſion made for the diſcharge of the bodies of debtors im- ned when they petition. *Ibid.* § 11.
Directions reſpecting ſuch debtors impriſoned in Allegany ty or on the eaſtern ſhore. *Ibid.* § 12.
The chancellor empowered to limit a time for bringing in claims, to determine as to the claims of the creditors. *Ibid.* § 13.
Directions for the diſcharge of the ſaid debtors by the courts, reſted on proceſs for debts, &c. contracted before the paſſing act. *Ibid.* § 14.
Directions reſpecting certain deeds, and perſons therein men- ed. *Ibid.* § 15.
Each inſolvent debtor, at the time of his application, ſhall pay the regiſter five dollars, to be paid to the chancellor. *Ibid.*
All proceedings in chancery under this act ſhall be recorded the regiſter, who ſhall be entitled to the ſame fees as in other s to be paid at the time of the diſcharge. *Ibid.* § 18.
The creditors to be conſulted in all appointments of truſtees e room of perſons before appointed. *Ibid.* § 19.

INSPECTION.

gulations reſpecting the inſpection of flour at George-town. ch. 23, § 12.
— Reſpecting an inſpection of pot and pearl-aſh at Balti- nd George-town. November, 1792, ch. 65.
— Of flour and ſalted proviſions at Havre-de-Grace. 1796, h.
— Of flour and ſalted proviſions at Cheſter. 1797, ch. 7.
the regulations reſpecting the inſpection of tobacco, ſee acco INSPECTION.

INSURANCE.

e Baltimore inſurance fire company incorporated. April, ch. 20.
e Maryland inſurance fire company incorporated. 1791, 9.
— A ſupplementary act. November, 1792, ch. 11.
e Baltimore equitable ſociety for inſuring houſes from loſs incorporated. 1794, ch. 39.
e Baltimore inſurance company incorporated. 1795, 9.
e Maryland inſurance fire company incorporated. *Ibid.* h.
e George-town mutual inſurance company againſt fire on goods and furniture, incorporated. 1798, ch. 97.

INSURRECTIONS.

iſhment of ſlaves attempting to raiſe an inſurrection. ch. 14, § 2.
viſion made for calling out the ſelect militia in caſe of ection. 1798, ch. 100, § 10, 35.

INTENDANT.

intendant of the revenue appointed, and his duty pre- 1784, ch. 70.

INTENDANT.

Directions reſpecting property ſold by the intendant. November, 1788, ch. 37, ch. 40, 1789, ch. 14, 1796, ch. 12.
See CHANCELLOR.

INTEREST.

No more than ſix *per cent.* for money, or eight *per cent.* for tobacco, to be exacted or taken. 1704, ch. 69, § 1.
Regulations in the ſupply bills empowering private debtors to deduct a part of the intereſt. November, 1781, ch. 4, § 63, November, 1782, ch. 6, § 51, November, 1783, ch. 17, § 38, 1784, ch. 56, § 42, 1785, ch. 83, § 19.
Directions for the ceaſing of intereſt on the claims therein mentioned againſt the eſtates of deceaſed perſons. 1798, No. 101, ch. 8, § 10.
The jury directed in the ſuits therein mentioned on adminiſtration bonds to allow ſuch ſum as will be equal to ſix *per cent. per annum* on the amount of the inventory from the time of the return, over and above the damages which the eſtate may have ſuſtained. *Ibid.* ch. 10, § 9.
Guardians ſhall not be charged intereſt on balances in their hands on the ſettlement of their accounts, unleſs they conſent ſo to take the ſame. *Ibid.* ch. 12, § 13.
—— But the orphans court may place the ſame out at intereſt. *Ibid.*
Land ſold in Allegany county under the act for the collection of the county charges therein, ſhall be reconveyed on the owner paying, within one year, the purchaſe money, with an intereſt of ten *per cent.* and all legal charges. 1799, ch. 74, § 6.

INTERLOCUTORY JUDGMENTS.

See INQUIRY.

INTERROGATORIES.

In commiſſions iſſued from courts of law, interrogatories ſhall be propoſed and exhibited as in commiſſions from chancery. November, 1773, ch. 7, § 7.
In commiſſions from the court of chancery the commiſſioners ſhall read the interrogatories ſo that they may be heard by the parties, their attornies or agents. 1785, ch. 72, § 14.
—— Each party entitled, on application, to a copy of the interrogatories of the adverſe party, before any witneſs is examined. *Ibid.*
Directions reſpecting the adjournment of the commiſſioners for the purpoſe of receiving additional interrogatories, &c. *Ibid.*
In all caſes the defendant in chancery may exhibit interrogatories to the plaintiff, which ſhall be anſwered by him in writing on oath. *Ibid.* § 21.
—— Such anſwer to be evidence in the ſame manner as the defendant's anſwer to the bill, and the ſame proceſs to iſſue to compel an anſwer to ſuch interrogatories as to compel an anſwer from the defendant. *Ibid.*
In all caſes of attachment the plaintiff may exhibit interrogatories in writing to the garniſhee, who ſhall, by rule of court, anſwer them, touching the property of the defendant in his poſſeſſion or charge, or owing from him. 1795, ch. 56, § 5.
—— On his neglect or refuſal, the court ſhall adjudge that he hath property of the defendant, or is indebted to him, to the amount of the debt, intereſt, &c. and execution ſhall iſſue as in the caſe of condemnation. *Ibid.*

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—— An inventory to be returned of property received from a collector. *Ibid.* § 11.

—— The letters to be revoked if the inventory is not returned as therein directed. *Ibid.* § 13.

—— Any one executor or adminiſtrator may return an inventory. *Ibid.* § 14.

What ſhall be included in the inventory. *Ibid.* ch. 7.

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Caſes in which an executor or adminiſtrator may be excuſed from returning an inventory on the terms therein mentioned. *Ibid.* ch. 14, § 6, 7.

An inventory to be returned by ſecurities getting poſſeſſion of the eſtate from an executor or adminiſtrator. *Ibid.* § 11.

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Proviſion made for condemning land for iron-works. 1719, ch. 15.

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ISSUE.

If deſired by either party, the orphans courts ſhall direct an iſſue or iſſues to be made up, and ſent to any court of law which may be moſt convenient, for trying the ſame. 1798, No. 101, ch. 15, § 17.

—— Manner of trying and returning the ſame, and giving judgment thereon. *Ibid.*

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Judgment to be given according as the very right of the c and matter in law ſhall appear to the court, without rega any omiſſions, errors, &c. ſo as ſufficient matter ſhall appe the proceedings upon which the court may give judgment, that the action was commenced after the cauſe had acc 1763, ch. 23, § 2.

—— Judgment ſhall not be reverſed, or execution del by reaſon of any ſuch imperfection. *Ibid.*

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—— When to iſſue on other judgments. *Ibid.* § 7.

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—— Such judgments ſhall have the ſame effect as in caſ verdict. *Ibid.*

—— Awards to remain ſeven days in the general court, four days in the county courts, before judgment is moved *Ibid.* § 9.

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—— A copy of the award to be delivered to the adverſe ty, or his attorney, three days before a judgment there moved for. *Ibid.*

—— The court ſhall have proof, by the party's oath firmation, or otherwiſe, of the delivery of the copy as afor before they ſhall direct ſuch judgment to be entered. *Ibid.*

—— The clerk ſhall not enter judgment on any award out a motion to, and direction from, the court. *Ibid.*

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In actions for the penalty of a bond, &c. the jury may, der the direction of the court, on the plea of payment or formance, find by verdict what money or tobacco is due t plaintiff, whereupon judgment ſhall be entered for the per to be releaſed on payment of the ſum due, and intereſt and of ſuit. *Ibid.* § 13.

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default of the ſheriff to acknowledge in open court the t of fines, &c. for which execution may have iſſued, or to in the perſon taken thereon, the court, on motion of the y-general or his deputy, ſhall order judgment againſt ſuch for the amount. 1795, ch. 74, § 4.

aſſociate juſtice in court may direct judgments to be en-on confeſſion or *non sum informatus*, and on defaults or ments of a ſheriff or coroner. 1796, ch. 43, § 5.

chief juſtice, or either of the aſſociate juſtices of a coun-t, may, out of court, direct the clerk to enter judgments feſſion or *non sum informatus*, which ſhall be as legal and if entered in court during its ſitting. *Ibid.* § 20.

ment may be entered on motion againſt a ſheriff or col-fuſing or neglecting to pay over money levied, collected ed, or which ought to have been paid. 1797, ch. 43, §

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gments which had been entered by conſent of the parties, counſel, in the court of appeals, when all the judges did nd, declared good and valid. 1799, ch. 89.

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onviction of the crimes therein mentioned, the court may h judgment as the law requires for ſuch crimes, or may the criminal to labour, &c. 1793, ch. 57, § 10.

JUDGMENT in CRIMINAL CASES.

On judgment of death being pronounced by a court againſt a criminal, a warrant to be iſſued by the governor to the ſheriff to execute the judgment at the time therein mentioned. 1795, ch. 82.

—— The governor may commute or change ſuch judgment to puniſhment by labour, or baniſhment, and (if the criminal is a ſlave,) to tranſportation and ſale in ſome foreign country. *Ibid.*

On conviction for treaſon, the judgment ſhall be to ſuffer death by hanging only, and the circumſtance of cruelty in the judgment by the law of England ſhall be omitted, and the judgment as to forfeiture of property ſhall be as heretofore. April, 1782, ch. 42, § 6.

JUDGMENT BONDS.

No attorney, or other perſon, ſhall confeſs judgment in court, or before one or more magiſtrates, for any ſum of money or tobacco, &c. by virtue of any power of attorney, either ſeparate or contained in any judgment bond, nor ſhall any court give judgment on any ſuch bond by virtue of ſuch power. 1747, ch. 23, § 2.

JUDGES.

The independence and uprightneſs of judges eſſential to the impartial adminiſtration of juſtice, and a great ſecurity to the rights and liberties of the people, wherefore they ought to hold commiſſions during good behaviour, and be removed for miſbehaviour on conviction in a court of law. Decl. 30.

Salaries liberal, but not profuſe, ought to be ſecured to them during the continuance of their commiſſion. *Ibid.*

No judge ought to hold any other office, civil or military, or receive fees or perquiſites of any kind. *Ibid.*

All judges ſhall hold their commiſſions during good behaviour, removeable only for miſbehaviour on conviction in a court of law. Conſt. 40.

The judges to be appointed by the governor and council. *Ibid.* 48.

Every judge, before he acts as ſuch, ſhall take an oath, that he will not, through favour, affection or partiality, vote for any perſon to office, and that he will vote for ſuch perſon as in his judgment and conſcience he believes moſt fit and beſt qualified for the office, and that he has not made nor will make any promiſe or engagement to give his vote or intereſt in favour of any perſon. *Ibid.* 50.

Every judge, before he acts as ſuch, ſhall take an oath, that he will not, directly or indirectly, take any fee or reward for doing his office but what is or ſhall be allowed by law, nor will, directly or indirectly, receive the profits, or any part of the profits, of any office held by any other perſon, and that he does not hold the ſaid office in truſt or for the benefit of any other perſon. *Ibid.* 52.

—— Puniſhment of judges ſo receiving the profits of an office held by any other perſon. *Ibid.* 53.

Every judge, (as holding a place of profit or truſt,) to take an oath, that he does not hold himſelf bound in allegiance to the king of Great-Britain, and that he will be faithful and bear true allegiance to the ſtate of Maryland, and ſhall alſo ſubſcribe a declaration of his belief in the Chriſtian religion. *Ibid.* 55.

Every judge to take the oath therein preſcribed. February, 1777, ch. 5, § 1.

—— The qualification of the judges to be recorded. *Ibid.* § 2.

—— Affirmations permitted inſtead of the ſeveral oaths above required. 1794, ch. 49, confirmed by 1795, ch. 11.

Any perſon giving any bribe, preſent or reward, or any promiſe or any ſecurity for the payment or delivery of any money, or any other thing, to obtain or procure a vote to be judge,

JUDGES.

ſhall, on conviction, be for ever diſqualified to hold any office of truſt or profit in this ſtate. Conſt. 54.

The court of appeals to be compoſed of perſons of integrity and ſound judgment in the law. *Ibid.* 56.

Three perſons of integrity and ſound judgment in the law to be appointed judges of the general court. *Ibid.*

Form of the commiſſions to the judges of the ſeveral courts. February, 1777, ch. 5.

The judges of the general court to appoint their own clerks. Conſt. 47.

—— Directed to meet to make ſuch appointment. October, 1777, ch. 19.

The judges of the court of appeals enabled to appoint their clerk. March, 1780, ch. 23.

An oath to be taken by the judges of the court of appeals on the trial of appeals from the court of chancery. June, 1780, ch. 11, § 5.

The ſalaries of the judges of the general court eſtabliſhed. 1785, ch. 27.

—— A temporary addition thereto. 1797, ch. 50.

The ſalaries of the judges of the court of appeals eſtabliſhed. 1785, ch. 27.

—— Additions thereto. 1797, ch. 79, 1799, ch. 52.

One judge of the general court may take the acknowledgment of deeds. 1715, ch. 47, November, 1766, ch. 10, § 14.

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Duty of judges reſpecting ſpecial bail. 1715, ch. 28, § 2, October, 1778, ch. 21, § 5.

Perſons returning after being pardoned on condition of leaving the ſtate may be arreſted by any judge. November, 1787, ch. 17, § 4.

A judge of the general court may take a confeſſion of a judgment as a ſuperſedeas for ſtaying execution. 1791, ch. 67, § 1.

—— Fine for not returning ſuch ſuperſedeas. *Ibid.* § 4.

A judge of the general court empowered to appoint an eliſor. 1794, ch. 54, § 5.

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The chancellor conſtituted judge of the land-office on the weſtern ſhore. November, 1781, ch. 20, § 6.

—— His ſalary increaſed as chancellor and judge of the land-office. 1797, ch. 71.

A judge of the land-office to be appointed for the eaſtern ſhore. 1795, ch. 61, § 5.

—— His ſalary eſtabliſhed. *Ibid.* ch. 70.

JUDGES OF ELECTIONS.

Manner of appointing them, &c. 1799, ch. 50, § 3, 4.

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—— Who ſhall be judges in the city of Annapolis. Conſt. 4.

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The legiſlative, executive and judicial departments of government ought to be ſeparate and diſtinct. Decl. 6.

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—— Power of appeal to the general court recognized ch. 87, § 6.

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The criminal juriſdiction of the general court limitted ch. 50.

Criminal juriſdiction given to the court of oyer and in Baltimore. 1793, ch. 57, 1799, ch. 58.

Power of the general and county courts in the a aſſault therein mentioned. November, 1787, ch. 39.

Equity juriſdiction given to the county courts. 176 1791, ch. 78, November, 1792, ch. 63.

Juriſdiction of ſingle magiſtrates reſpecting ſmall deb ch. 68.

Amount for which bills may be filed in chancery ch. 41, § 7.

JURORS AND JURY.

The inhabitants of Maryland entitled to the comm England, and the trial by jury according to the cour law. Decl. 3.

In criminal proſecutions every man hath a right t trial by an impartial jury, without whoſe unanimou ought not to be found guilty. *Ibid.* 19.

No free man ought to be taken or impriſoned, or d his free-hold, liberties or privileges, or outlawed or ex any manner deſtroyed, or deprived of his life, liberty ty, but by the judgment of his peers, or by the law o *Ibid.* 21.

Twenty days notice to be given by the ſheriffs in f jurors to the general court, and ten days to the cou 1715, ch. 37, § 1, 2.

—— Sheriffs making default may be fined by t court 1000 lbs. of tobacco, and by the county court tobacco. *Ibid.*

—— Delegates, coroners, ſchoolmaſters, overſee ways and conſtables, during their continuance in offic ed from attendance as jurors. *Ibid.* § 4.

Allowance to jurors for giving their verdict, and perſons giving more. *Ibid.* § 8, 1719, ch. 3, § 2.

Perſons intereſted as therein mentioned not to ſerv 1715, ch. 37, § 9.

Directions for ſummoning jurors to the general courts, and their qualifications as to property preſcri ary, 1777, ch. 15, § 10, October, 1777, ch. 16.

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— No challenge to be allowed for want of free-hold. *Ibid.*
— The ſheriffs to obſerve the ſame rules as heretofore by in the *provincial* court. February, 1777, ch. 15, § 10.
o verdict of a jury ſhall be ſet aſide, nor judgment on any ſtaid, arreſted or reverſed, by reaſon that any juror who the cauſe had a matter of fact depending during the court. ter, 1778, ch. 21, § 2.
— The having ſuch matter of fact for trial to be a good for challenge. *Ibid.* § 3.
rors neglecting to appear when ſummoned, without ſufficient e, may be fined £. 35 0 0 by the general court, and 0 0 by the county courts. April, 1782, ch. 40.
o perſon to be ſummoned or returned as a juror under the f 25 years. 1797, ch. 87, § 5.
tices of the peace not to be exempted. *Ibid.* § 6.
e deputy-ſheriffs not to ſummon any jurors unleſs directed e ſheriffs. *Ibid.* § 7.
riffs and coroners directed to take the oath therein pre- d reſpecting jurors, and to return a certificate thereof. § 2, 4.
perſon to be ſummoned as a juror to two general or county ſucceſſively. *Ibid.* § 3.
e ſheriffs to return to the county courts a pannel of forty- jurors, out of which twenty-three are to be drawn by bal- ſerve as grand jurors during the term. *Ibid.* § 8.
— The perſons remaining to ſerve as petit jurors. *Ibid.*
a trial by jury in the general or county courts, twenty s from the pannel of petit jurors ſhall be drawn by ballot e clerk. *Ibid.* § 9.
— Their names ſhall be written on two liſts, one to be de- d to each party, or his counſel. *Ibid.*
— Each party may ſtrike out four, and the remaining ſhall be ſworn as the jury in the cauſe. *Ibid.*
— On refuſal by the parties, or either of them, the court e out eight, and the remaining twelve to be ſworn. *Ibid.*
— Taliſmen may be ſummoned where, without them, there not be twenty. 1798, ch. 94.
— By agreement, the drawing of a pannel of twenty may enſed with. *Ibid.*
act not to take away the right to challenge the array or f any pannel in the manner allowed by the laws of the 1797, ch. 87, § 9.
— Nor to affect the proviſions reſpecting petitions for free- *Ibid.*
iſt of licenſed ordinary-keepers to be delivered to the grand y the county clerks. March, 1780, ch. 24, § 21.
— Their duty to preſent any perſon offending againſt the t. *Ibid.*
— The conſtables to be ſworn up to them at every court.

n amendment in the proceedings is made after the jury is a juror ſhall be withdrawn. 1785, ch. 80, § 4.
ctions for the penalty of a bond, &c. the jury may, un- e direction of the court, on the plea of payment or per- ce, find by verdict what money or tobacco is due to the ff. *Ibid.* § 13.
aliens and foreigners, who may be guilty of or indicted y offence committed within this ſtate, ſhall be tried by a f the country in the ſame manner as natives and citizens, ere ſhall be no challenge either to the array or polls for f foreigners on the ſaid pannel or jury thereon returned. ch. 22, § 5.
d condemned for the erection of tobacco warehouſes to be by a jury. *Ibid.* ch. 26, § 58.
half of the fines impoſed on ſurveyors and their deputies urning certificates contrary to this act, to be paid to the

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firſt informer, if the fact is proved by other teſtimony than his own, and ſo declared by the jury on delivering their verdict. *Ibid.* ch. 35, § 3.
Directions to the jury in caſes of replevin brought for property taken for public taxes. 1790, ch. 53, § 4.
—— For writs of inquiry thereon. *Ibid.* § 5, 6.
Either party, in an appeal from the judgment of a ſingle magiſtrate to the county court, may demand a trial by jury, or leave the matter to be determined by the court. 1791, ch. 68, § 4.
A jury may be ſummoned by two juſtices on application by a leſſor againſt a tenant for years or at will refuſing on notice to remove. 1793, ch. 43.
—— The jury to inquire, and find on their oaths, whether the leſſor had been quietly in poſſeſſion of the lands, &c. whether he had demiſed them; whether the leaſe or eſtate is fully ended; whether due notice was given to the tenant to quit; and whether he refuſed; on which, if found for the leſſor, the two juſtices are to award reſtitution. *Ibid.*
On complaints between maſters and apprentices, either party may apply to the court for a trial by jury. *Ibid.* ch. 45, § 17.
A jury to be directed by the court on an appeal by perſons aggrieved under the militia law. *Ibid.* ch. 53, § 21.
When an interlocutory judgment is entered, the court ſhall, on motion, make an order to charge the jury attending at the ſame or the next term. 1794, ch. 46, § 2.
—— The inquiry to be made, and the evidence given, in open court as on jury trials. *Ibid.*
—— Manner of returning the inquiſition, &c. *Ibid.*
See INQUIRY.
Prince-George's county court directed to give it in charge to the grand jury, to inquire into the breaches of the act for erecting a bridge over the Eaſtern Branch of Patowmack. 1795, ch. 62, § 9.
One aſſociate juſtice in the county court may impannel and charge the grand jury. 1796, ch. 43, § 5.
—— May order attachments againſt jurors for non-attendance. *Ibid.*
—— May direct any witneſs to be ſworn to the grand jury. *Ibid.*
May receive any preſentment or indictment from the grand jury. *Ibid.*
In petitions for freedom, either party may apply to the court for a trial by jury, and the attending jury ſhall be charged as the law directs. *Ibid.* ch. 67, § 22.
—— Either party may challenge peremptorily twelve jurors impannelled to try the facts, and for want of a ſufficient number remaining a *tales*, at the prayer of either party, may be awarded. *Ibid.* § 24.
—— The county courts to give this act in charge to the grand juries. *Ibid.* § 28.
On motion for a judgment againſt a ſheriff refuſing or neglecting to pay over money, the demand may be controverted before and determined by a jury. 1797, ch. 43, § 1.
—— Same on a motion by a ſheriff againſt his deputy. *Ibid.* § 2.
Allowance to jurymen in the general court. 1797, ch. 94, § 1.
—— In the county courts. *Ibid.* § 4.
—— In Allegany county. *Ibid.* § 8, 1798, ch. 5.
The treaſurers directed to pay, out of any unappropriated money, the amount appearing by the certificates of the clerks to be due to jurymen in the general court. 1797, ch. 94, § 2.
The clerks to return an account of ſuch certificates annually, on or before the 20th of November, to the general aſſembly. *Ibid.* § 3.

Directions

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Directions to the jury what to allow as damages in the ſuits therein mentioned on teſtamentary and adminiſtration bonds. 1798, No. 101, ch. 10, § 9.

Directions for ſummoning jurors to the criminal court of Baltimore, and compelling their attendance. 1799, ch. 58, § 5.

—— Their allowance eſtabliſhed. *Ibid.*

JUSTICES OF COURTS.

See ASSOCIATE JUSTICE. CHIEF JUSTICE. JUDGES. STAY of EXECUTION.

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All juſtices to be appointed by the governor and council. Conſt. 48.

All civil officers of the appointment of the governor and council, who do not hold commiſſions during good behaviour, ſhall be appointed annually in the third week in November. *Ibid.* 49.

Oath to be taken by juſtices. *Ibid.* 50.

A juſtice of the peace may be eligible as a ſenator, delegate or member of the council, and continue to act as a juſtice of the peace. *Ibid.* 44.

Juſtices of the orphans court may act as juſtices of the peace. 1798, No. 101, ch. 15, § 6.

The mayor, recorder and aldermen, of George-town, ſhall be juſtices of the peace within the ſaid town and the precincts thereof. 1789, ch. 23, § 4.

Every chief juſtice of a county court ſhall have, within his diſtrict, all the powers and juriſdiction of a juſtice of the peace out of court, except as to ſmall debts. 1796, ch. 43, § 19.

Every aſſociate juſtice ſhall have, within his county, all the powers and juriſdiction of a juſtice of the peace, except as to ſmall debts and ſitting in the levy courts. *Ibid.*

The mayor of the city of Baltimore to have all the powers of a juſtice of the peace, except as to ſmall debts. *Ibid.* ch. 68, § 10.

Oath to be taken by the juſtices, and how to be certified and recorded. February, 1777, ch. 5.

Juſtices of the peace, how to be commiſſioned and qualified. *Ibid.* 1796, ch. 43, § 16, 17.

—— Their fees eſtabliſhed. *Ibid.*

—— How to be appointed and commiſſioned for the levy courts. 1798, ch. 34.

See LEVY COURTS.

—— Their power reſpecting the appointment of inſpectors. 1789, ch. 26.

See TOBACCO INSPECTION.

Juſtices empowered to obſerve the demeanor of perſons before them, and to fine them for indecent behaviour and contempt of their authority. 1719, ch. 4, § 3.

Juſtices not exempted from ſerving as jurors. 1797, ch. 87, § 6.

Power given to three juſtices to order out the militia in caſe of inſurrection or invaſion as therein mentioned. 1798, ch. 100, § 35.

Powers to be exerciſed by any one juſtice of the peace, viz.

One juſtice may adjudge perſons taken up and brought before him to be runaways, and may ſecure them. 1715, ch. 44, § 6, 9, 20.

—— May bind over perſons dealing with ſervants and not being able to pay the fine. *Ibid.* § 13.

—— May order the correction of ſervants brought before him by their maſters. *Ibid.* § 21.

—— May order any negro to be whipped for carrying a gun from his maſter's land without licence, and may order a forfeiture of the gun to the perſon ſeizing it, &c. *Ibid.* § 32.

—— May give judgment for the fine for hunting in encloſed ground. 1728, ch. 7, § 7.

—— For the fine for not appearing at the clearing o highways. 1704, ch. 21, § 4, 1723, ch. 17.

—— May take bail as therein directed in actions in the ty courts. 1715, ch. 28, § 7.

—— Shall take an account of the marks of horſes, brought before him, which the perſons aggrieved ſhall ſet public places. *Ibid.* ch. 31, § 4.

—— May take proof by one witneſs of the property of ſtray horſe, to be then delivered to the owner. *Ibid.*

—— May puniſh ſlaves guilty of pilfering or ſtealing by whipping. 1717, ch. 13, § 6.

—— May give judgment for the fine on perſons refuſi go with the conſtable to ſuppreſs the tumultuous meeti negroes, or refuſing when there to aſſiſt ſuch conſtable. ch. 15, § 3.

—— May, on any negro or other ſlave ſtriking any perſon, cauſe one of ſuch negro's ears to be cropped. *Ibid*

—— May give judgment for the fine on perſons encour negroes or other ſlaves to meet in companies on their planta *Ibid.* § 5.

—— On the owners of ſlaves ſuffering them to keep hor mares, or to raiſe cattle or hogs, as their own property. § 6.

—— On perſons profanely ſwearing or curſing before an giſtrate, miniſter, &c. *Ibid.* ch. 16, § 2.

—— On perſons getting drunk before ſuch magiſtrat *Ibid.* § 3.

—— May, when ſuch fines are not immediately paid o viction, order the offender, (not being a freeholder or reputable perſon,) to be whipped, or put in the ſtocks, a that purpoſe to appoint any perſon, (not having a law emption,) as a conſtable on ſuch occaſion. *Ibid.* § 4, 5.

—— May give judgment for the fines awarded for fi fuſal. *Ibid.* § 4.

—— Shall, where the offenders are freeholders, &c. a able to pay the fines, certify them to the county courts.

—— May give judgment for the fine incurred by oth tices or officers being themſelves guilty of curſing, &c. § 6.

—— May commit any perſon to priſon who ſhall revil juſtice, or any officer executing this act, for one month, ſecurity is given as therein directed. *Ibid.* § 7.

—— May recover treble damages from perſons affaulti beating him in the execution of this act. *Ibid.* § 8.

—— May, if ſued thereon, plead the general iſſue, a this act, &c. in evidence, and on nonſuit recover treble *Ibid.* § 8.

—— May give judgment for the fine incurred by working, or ſuffering work, or permitting their children hunt, &c. on Sundays. *Ibid.* § 10.

—— May iſſue a warrant to apprehend perſons acc ſetting up booths contrary to this act, and commit them t remove ſuch booths. 1725, ch. 6, § 3.

—— Duty of a juſtice under the acts to encourage ſtroying of wolves, crows and ſquirrels, and the act to en the deſtroying of wolves. 1728, ch. 7, November, 1788

One juſtice may take the acknowledgment of ſales, g mortgages of goods or chattels, in his county. 1729, § 5.

—— May give judgment for the fine for killing or pur deer contrary to this act. 1730, ch. 17, § 2.

—— For the fine on county clerks not attending as directed. 1748, ch. 7, § 3.

—— For the fine for entertaining ſervants or ſlaves fully abſenting themſelves, if not exceeding 600 lbs. t *Ibid.* ch. 19, § 2.

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May order the offender to be whipped, if unable to pay ecurity for ſuch fine. *Ibid.* § 3.

May iſſue a warrant againſt ſervants or ſlaves ſo enter- ſuch ſervants, and puniſh them by whipping. *ibid.* § 4.

May appoint perſons to value ſlaves killed for refuſing ender as therein deſcribed, and certify ſuch value to the r. 1751, ch. 14, § 9.

May give judgment for the fine on clerks neglecting to the appointment of conſtables. 1752, ch. 7, § 2.

For the fine on perſons taking up boats and not comply- h the directions of this act. 1753, ch. 10, § 3.

Shall deliver to the perſon giving notice of boats drove heir moorings, &c. advertiſements deſcribing the ſame. 2.

May take the acknowledgments of gifts of negroes or laves. 1763, ch. 13, § 2.

May, on complaint, commit diſorderly perſons to the ouſe for three months, unleſs ſecurity for good behaviour . 1768, ch. 29, § 16.

May, on complaint of the truſtees of the poor, order ſon in the work-houſe to be whipped. *Ibid.*

May apprehend any rogues, vagrants, vagabonds, beg- nd other idle and diſſolute perſons, found loitering, who no trade, &c. and have no viſible means of ſubſiſtence, mit them to the work-houſe, to be kept at hard labour. 17.

May, by warrant under hand and ſeal, remove and con- poor perſon to the county where he was laſt legally ſet- ler as a native, houſeholder, apprentice or ſervant, unleſs is given for good behaviour and diſcharge of the county. 18.

Shall not be eligible as a truſtee of the poor. *Ibid.*

May give judgment for fines by act of aſſembly not ex- £. 5, and may thereupon commit the offender till pay- the ſheriff, or by warrant to any conſtable direct the be levied, with coſts, on his goods or chattels. Fe- 1777, ch. 6.

Shall annually return to the treaſurers liſts of ſuch fines.

May, on the application of a ſheriff, and his complying directions in this act, where a debtor is about to ab- give a warrant, under hand and ſeal, empowering him to for fees ſuch debtor or his effects, and ſhall return the which it ſhall be granted to the next county court. er, 1779, ch. 25, § 13.

May, if an account above the rates has been paid to an -keeper, compel him in a ſummary way to reſtore the m paid. March, 1780, ch. 24, § 4.

May iſſue a warrant to the conſtable to take any free who he is informed has an illegitimate child. Novem- 81, ch. 13, § 1.

Shall call on ſuch woman, if brought before him, for to indemnify the county from any charge on account of , and on her neglect or refuſal, may commit her to the till it is given. *Ibid.*

Shall, if ſhe will on oath diſcover the father, diſcharge d call the father before him, if reſiding in the county, e him to give ſuch ſecurity in the ſum of £. 30. *Ibid.*

Shall, if the father reſides in another county, tranſmit, s hand and ſeal, a copy of the proceedings, and the whom they are ſent ſhall proceed againſt the father as ected. *Ibid.*

May, if the perſon thinks himſelf aggrieved by his take and return his recognizance for his appearance ext county court. *Ibid.* § 2, 1785, ch. 47, § 2.

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—— May, on application, iſſue an order for the payment of a ſum, not exceeding 30 dollars *per annum*, till the child ſhall arrive at the age of ſeven years, on failure whereof *ſcire facias* may iſſue on the recognizance. 1796, ch. 34.

—— May direct the county clerk to grant licence to a perſon to ſell liquors at a horſe-race. 1784, ch. 7, § 15, ch. 37, § 32.

—— May take the probat of accounts, &c. 1785, ch. 46.

—— May give judgment for the fine for permitting ſlaves to act as free. April, 1787, ch. 33, § 3.

—— May iſſue a warrant to arreſt any perſon pardoned on condition of leaving the ſtate, who returns contrary thereto, and may commit him. November, 1787, ch. 17, § 4.

—— May, on complaint, iſſue a warrant againſt perſons ſetting up booths contrary to the act for the ſuppreſſion of fairs, and commit them to gaol till ſuch booths are removed, and the fine paid. 1790, ch. 15, § 3.

—— May, on application by a perſon whoſe property has been taken for taxes, give a warrant to the county clerk to iſſue a writ of replevin for ſuch property, on the proofs and in the manner therein preſcribed. *Ibid.* ch. 53, § 2, 3, 9.

See REPLEVIN.

—— May try and determine matters of controverſy not exceeding £. 10. 1791, ch. 68.

See SMALL DEBTS.

—— May take children who are deſtitute or ſuffering, or the children of beggars, and place them with ſome perſon till the meeting of the orphans court, to be then bound out. 1793, ch. 45, § 3.

—— May iſſue a warrant to apprehend a perſon refuſing to ſerve in the militia, and unable to procure a ſubſtitute, and commit him not exceeding twenty days. *Ibid.* ch. 53, § 20.

—— May iſſue a warrant to the clerk of the county court for an attachment in the caſes and in the manner therein preſcribed. 1795, ch. 56, § 1.

See ATTACHMENT.

—— May puniſh ſlaves convicted of whipping or beating the water in Patuxent river with poles or ſticks to drive the fiſh, between the firſt of February and firſt of June, by whipping not exceeding ten laſhes, unleſs acting by order of their maſters, who may then be fined, or unleſs the maſters will redeem ſuch ſlaves, by payment of twenty dollars, half to the informer, and half to ſuch juſtice to the uſe of the county. 1796, ch. 32, § 3, 4.

—— Shall account at the levy court for all money received by virtue of this act, under the penalty of 200 dollars. *Ibid.*

—— May give judgment for fines ariſing under the ordinances of the city of Baltimore, if not exceeding twenty dollars. *Ibid.* ch. 68, § 9.

—— May, on complaint made, or on view, ſuppreſs and prevent the playing at A. B. C. E. O. L. S. D. faro tables, or any other device, (as prohibited by this act,) and commit the perſons offending to the ſheriff or conſtable. 1797, ch. 110, § 4.

—— May, if reſiſtance is made, ſummon the *poſſe comitatus*. *Ibid.*

—— May give judgment for the fines under the act for the eſtabliſhment of veſtries. 1798, ch. 24, § 27.

—— May appoint appraiſers to appraiſe property not returned in a former inventory. *Ibid.* No. 101, ch. 6, § 10.

Powers to be exerciſed by two juſtices of the peace, viz.

Two juſtices may diſcharge perſons taken up as runaways from impriſonment, on their proving that they are not ſervants. 1715, ch. 44, § 34.

—— May take the acknowledgments of conveyances of lands, &c. *Ibid.* ch. 47, § 8, November, 1766, ch. 14, § 2.

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—— May, in the receſs of the court, on complaint, or their own obſervation of miſbehaviour, &c. ſuſpend an ordinary-keeper till the next court. March, 1780, ch. 24, § 7.

—— May grant licence to keep ferry on the death of a ferry-keeper between the courts. November, 1781, ch. 22, § 4.

—— May grant licence to keep ferry, (at any place uſed as ſuch,) till the meeting of the court, taking recognizance. April, 1782, ch. 31.

—— May take the confeſſion of a judgment as a ſuperſedeas to ſtay execution on a judgment in a court of law, or before a juſtice of the peace. 1791, ch. 67, § 1, 2, 3.

—— May iſſue a warrant to ſummon a jury in the caſe of tenants refuſing to quit lands, &c. leaſed to them, and on their verdict may award reſtitution. 1793, ch. 43.

—— May (one or more of them,) take children who are deſtitute and ſuffering, or the children of beggars, and place them with ſome perſon till the meeting of the orphans court, to be then bound out. *Ibid.* ch. 45, § 3.

—— May diſcharge any perſon impriſoned for a militia fine, on being ſatisfied that he is unable to pay the ſame. 1798, ch. 100, § 20.

—— May, in the receſs of the orphans court, bind out as apprentices orphan children, the profits of whoſe eſtates are not ſufficient for their maintenance, children ſuffering through the extreme indigence of their parents, the children of beggars, illegitimate children, and the children of perſons out of the ſtate, where a ſufficient maintenance is not afforded. 1794, ch. 47.

—— Provided the contracts are approved by the orphans court, and recorded therein agreeably to the ſixth ſection of the act of 1793, ch. 45. *Ibid.*

Power of three or two juſtices under the act for the relief of inſolvent debtors. 1774, ch. 28.

See INSOLVENT DEBTORS.

Two juſtices may be called in by an aſſociate juſtice, in the abſence of the other, to judge of the ſufficiency of the ſecurities offered by a ſheriff. 1794, ch. 54, § 8.

Power of juſtices in particular counties, viz.

The penalty of £. 5 0 0 for impeding the water in any ditch cut under the acts for draining lands in Somerſet, Dorcheſter, Worceſter, Caroline, Talbot and Saint-Mary's counties, may be recovered before a juſtice of the peace. 1790, ch. 3, § 7, 1799, ch. 73.

A juſtice in Baltimore, when informed on oath of gunpowder concealed or kept in the city or precincts above 30 lbs. may iſſue a ſearch warrant. 1791, ch. 69, § 22.

The fines under the ſupplement to the act to eſtabliſh a market in Elkton may be recovered before a juſtice of the peace. November, 1792, ch. 43, § 2.

—— Proviſions ſeized by the clerk of the market therein may be laid before a juſtice of the peace, who may condemn the ſame if unſound, and if deficient in weight may order them to be diſtributed to the poor. *Ibid.* § 3.

—— Complaint may be made of foreſtalling or engroſſing to a juſtice of the peace, who may condemn ſuch foreſtalled and engroſſed proviſions. *Ibid.* § 4.

The fines under the ſupplement to the act to improve and repair the ſtreets in Elizabeth-town may be recovered before a juſtice of the peace. *Ibid.* ch. 52, § 7.

Fines under the act for the preſervation of the navigation of Rock creek to be recovered before a juſtice of the peace of Prince-George's or Montgomery county. *Ibid.* ch. 61, § 3, 4.

On a diſpute between the inſpectors of pot or pearl-aſh and the poſſeſſor, a juſtice of the peace of Baltimore or Montgomery county may iſſue his warrant to three indifferent perſons to view and examine the ſame, and may give judgment according to their report, and have the pot and pearl-aſh repacked. *Ibid.* ch. 65, § 5.

Fines under the ſupplement to the act to eſtabliſh a mar Elizabeth-town may be recovered before a juſtice of the 1793, ch. 9, § 6.

Fines under the ſupplement to the act to eſtabliſh a mar Cheſter-town may be recovered before a juſtice of the *Ibid.* ch. 22, § 3.

Fines under the act to remove the market-houſe at the of Elk, &c. may be recovered before a juſtice of the *Ibid.* ch. 42.

Fines for ſelling live ſtock contrary to the act for the eſt ment of a market therefor at Weſtminſter, in Frederick to be recovered before a juſtice of the peace. 1794, § 4.

Fines under the act for the weighing of hay and cor wood in Elkton to be recovered before a juſtice of the *Ibid.* ch. 19, § 5, 6, 7, 10.

Fines for not procuring jack leathern buckets in Fre town may be recovered before a juſtice of the peace. ch. 32, § 4.

Fines under the act to eſtabliſh a market in Charles Charles county, may be recovered before a juſtice of the *Ibid.* ch. 41, § 11.

Fines under the act for building a new gaol in Eaſto recovered before a juſtice of the peace. *Ibid.* ch. 67, §

The fines under the ſupplement to the act to erect a Queen-Anne's county to be recovered before a juſtice peace. 1796, ch. 18, § 15.

The fines for foreſtalling and engroſſing proviſions in town to be recovered before a juſtice of the peace. *Ibid.*

One juſtice in Talbot county may iſſue his warrant the overſeer on a bridge or road being out of repair. ch. 63, § 14.

The toll therein mentioned to be recovered before a j the county where it is demanded, or where the perſon *Ibid.* ch. 70, § 24.

The mayor, with any two juſtices of the peace, ma and impriſon any French ſlave who is dangerous to the c ſend ſuch ſlave to the Weſt-Indies in the manner therein ed. *Ibid.* ch. 75.

In the receſs of the levy court two juſtices may a conſtable for the town of Cambridge. 1799, ch. 6, §

The fine therein mentioned under the act for appo wreck-maſter to be recovered before a juſtice of Worceſte ty. *Ibid.* ch. 82, § 3.

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REGULATIONS reſpecting the bounds between K Talbot county. 1695, ch. 13.

The bounds of Kent county preſcribed. 1706, ch. 3

Cheſter-town to be laid out anew. 1730, ch. 15.

George-town erected. 1736, ch. 21.

Acts reſpecting Kent county ſchool. November ch. 30, 1768, ch. 20.

—— The ſchool erected into Waſhington college. 1782, ch. 8.

—— A permanent fund provided for Waſhington 1784, ch. 7.

A market eſtabliſhed and regulated at Cheſter. *Ibid.*

—— Supplementary and other acts. 1789, ch. 19, ber, 1792, ch. 40, 1793, ch. 22, 1796, ch. 50, 1798

Thomas Worrell, ſon of Edward Worrell, late ſh collector of Kent county, empowered to complete the c 1789, ch. 38.

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ew gaol to be built in Cheſter-town. November, 1792, ch.

ecurities of Thomas Jones, deceaſed, collector of Kent empowered to complete the collection. 1795, ch. 4, ch. 8.

ey to be levied to repair the court-houſe, to build a record and commiſſioners appointed. 1796, ch. 29, 1797, ch.

act for the deſtruction of crows in Kent county. 1797, ch.

veſtry of Shrewſbury pariſh empowered to ſell the glebe. *Ibid.* ch. 78.

arket eſtabliſhed at Bridge-town. 1797, ch. 28, 1798, ch.

juſtices of the county court authoriſed and directed to e records of the orphans court, where neceſſary, tran- into new record books, which ſhall then be evidence e as the original records. 1798, ch. 57, § 2.

Money to be raiſed by the levy court to defray the *Ibid.* § 3.

truſtees of George-town ſchool incorporated. 1798, ch.

average value of land in Kent county eſtabliſhed at r acre. 1785, ch. 53, § 2.

, Kent, Queen-Anne's and Talbot counties, form the diſtrict for holding county courts. 1796, ch. 43, § 2.

Kent county court to be held the third Monday in and ſecond Monday in October. *Ibid.* § 3.

rd, Cæcil and Kent counties, form the ſixth diſtrict for ion of repreſentatives in congreſs. 1791, ch. 62, § 2.

and Kent counties form the ſeventh diſtrict for appoint- tors to chooſe the preſident and vice-preſident. 1795, § 1.

county to be laid off into three ſeparate diſtricts for elections. 1798, ch. 115, confirmed by 1799, ch. 48.

Commiſſioners appointed to lay off the ſaid diſtricts, and e place of holding the elections in each. 1799, ch. 50,

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ERE ſhall be two regiſters of the land-office, one upon e weſtern and one upon the eaſtern ſhore. Conſt. 51.

Short extracts of the grants and certificates of the land weſtern and eaſtern ſhores reſpectively to be made in fe- books at the public expence, and depoſited in the offices ſaid regiſters, in ſuch manner as ſhould thereafter be pro- the general aſſembly. *Ibid.*

governor and council to appoint the regiſters of the land- *Ibid.* 48.

The regiſters of the land-office to hold their commiſſions good behaviour, removeable only for miſbehaviour on on in a court of law. *Ibid.* 40.

Every regiſter of the land-office, before he acts as ſuch, e an oath, that he will not, directly or indirectly, receive or reward for doing his office but what is or ſhall be al- law, nor will, directly or indirectly, receive the profits, part of the profits, of any office held by any other per- that he does not hold the ſame office in truſt or for the of any other perſon. *Ibid.* 52.

Puniſhment for their ſo receiving the profits, &c. *Ibid.*

Fees of the regiſters of the land-office eſtabliſhed. No- 1779, ch. 25, § 2, 1795, ch. 61, § 9.

ants granted and iſſued before the appointment and qua- of the regiſters to be in force as if the former govern-

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ment had continued, and to be exerciſed by the proper officers, and former warrants, &c. to be delivered up to them. February, 1777, ch. 15, § 8.

Bounties of land to be given to the officers and ſoldiers therein deſcribed. October, 1777, ch. 8, § 4, 9, November, 1779, ch. 36, June, 1780, ch. 10, October, 1780, ch. 44.

All lands in the ſtate weſtward of Fort Cumberland, (except where located warrants have iſſued or ſurveys been made under common warrants, and except ſuch as were then *bonâ fide* the property of any ſubject of this or the United States, and on which the money had been actually paid,) appropriated to diſcharge the engagements of lands made to the officers and ſoldiers, and the reſidue to the uſe of the public, and no grant to iſſue on any ſurvey made in virtue of ſuch warrants before the order of the general aſſembly. November, 1781, ch. 20, § 2.

A land-office to be held for the weſtern ſhore at Annapolis, and for the eaſtern ſhore at the place of holding the general court, under the direction of the regiſters. *Ibid.* § 3.

The regiſters to have poſſeſſion of the extracts of the grants and certificates of lands to be made agreeable to the directions of the form of government. *Ibid.*

—— To grant warrants for reſurveying, proclamating or eſcheating, any land on their reſpective ſhores. *Ibid.*

—— To iſſue, on the order or titling of the treaſurers, common or ſpecial warrants of vacant cultivation for ſurveying any vacant land cultivated or uncultivated. *Ibid.*

—— Such warrants to be executed by the county ſurveyors, and their certificates returned, but no original certificate of ſurvey or reſurvey to be received into the office unleſs paſſed by the examiner-general, and returned before the firſt day of July then next, or within eighteen months from the date of the warrant. *Ibid.* 1795, ch. 88, § 7.

—— But nothing in this act to extend the time within which a ſurvey or reſurvey under a warrant may be made. *Ibid.*

—— The regiſter on the weſtern ſhore, after payment of the purchaſe or caution money, (if any due,) to the treaſurer, ſhall make out a grant, and preſent the ſame to the chancellor for his approbation, and being atteſted by him, and ſigned by the governor, the ſeal of the ſtate ſhall be thereunto annexed. November, 1781, ch. 20, § 3.

—— The regiſter on the eaſtern ſhore ſhall, in ſuch caſes, make out a grant, and preſent it to the judge of the land-office on that ſhore for his approbation, and when approved, ſhall tranſmit it to be atteſted by the chancellor, and ſigned by the governor, &c. 1795, ch. 61, § 2.

—— The expence to be paid by the regiſter, and collected as other fees. *Ibid.*

Either treaſurer may grant orders or titlings to the regiſters reſpectively for common or ſpecial warrants, on payment of 1/9 per acre, and on the certificate being returned 2/. more ſhall be paid within one year from taking out the warrant. November, 1781, ch. 20, § 4, November, 1788, ch. 44, § 13.

—— Vacant lands in Allegany county to be taken up at 2/6 per acre, one half to be paid on obtaining the warrant, and the other on the return of the certificate. 1791, ch. 85, § 8.

—— But warrants then iſſued to be compounded on agreeably to the law under which they were obtained. *Ibid.*

Patents ſhall not be delayed for default of the ſecond payment, but the regiſters ſhall endorſe thereon the ſum due or to become due, and deliver an account thereof, and of the time of iſſuing, to the treaſurer. November, 1781, ch. 20, § 4.

On failure of payment the treaſurer ſhall lodge with the clerk of the general or county court a particular of the ſum due, and thereupon *fieri facias* ſhall iſſue. *Ibid.*

—— Lands granted by patent liable, in whoſoever hands they may be, to ſatisfy the ſum due on ſuch patent. *Ibid.*

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The owners of certificates already made or returned to pay 1/8 per acre, if paid within the times therein mentioned, otherwiſe 7/6. *Ibid.* April, 1782, ch. 38, § 1, November, 1782, ch. 5.

The treaſurer, for improvements on cultivated lands, to receive their actual value, and for eſcheat lands two thirds thereof. November, 1781, ch. 20, § 4.

On a deficiency in a grant appearing by certificates of reſurvey, or on vacating a grant, &c. (the caution money being paid,) common or ſpecial warrants may iſſue for ſuch deficiency. *Ibid.*

—— Common or ſpecial warrants then iſſued might be renewed within ſix months from the act, and executed within one year from the renewal. *Ibid.*

The treaſurer of the weſtern ſhore to have the care of the debt books, &c. relative to the revenue of the late proprietors. *Ibid.*

—— His bond liable for the faithful diſcharge of his office and compliance with the directions of this act. *Ibid.*

The equitable title of perſons to ſurveys made with the conſent of the late proprietary within the reſerves to obtain leaſes thereon ſaved, and only the reverſion of the ſtate liable to ſale. *Ibid.* § 5.

Time for compounding on vacant lands thereafter to be ſurveyed. *Ibid.* § 6, 1795, ch. 88, § 7.

—— On ſurveys then made. November, 1781, ch. 20, § 6, April, 1782, ch. 38, § 1, November, 1782, ch. 5.

—— On eſcheat warrants. November, 1781, ch. 20, § 6.

—— After thoſe times reſpectively, warrants to iſſue to any other perſon applying. *Ibid.*

The governor and council empowered to make and eſtabliſh rules and orders for the direction of the treaſurers in iſſuing their titlings or orders, and for the conduct of the examiner-general, and the regiſters and ſurveyors, which ſhall be obſerved by the ſaid officers. *Ibid.*

—— Directed to have tranſmitted to the regiſter and examiner for the eaſtern ſhore, certified copies of ſuch rules, &c. to be recorded by the ſaid officers, and ſubject to inſpection. 1795, ch. 61, § 8.

Diſputes concerning the validity of ſurveys or the grant of lands to be heard and determined by the chancellor; as to warrants, &c. before granted, agreeable to the former rules of the land-office, and as to thoſe to be iſſued thereafter, according to ſuch rules and orders as ſhould be eſtabliſhed by the governor and council. November, 1781, ch. 20, § 6.

—— The governor and council to appoint a judge of the land-office for the eaſtern ſhore, to hear and determine ſuch diſputes in the ſame manner as the chancellor on the weſtern ſhore. 1795, ch. 61, § 5.

—— An appeal given from his determination to the chancellor as judge of the land-office, and the proceedings thereon directed. *Ibid.* § 6.

The governor and council to appoint an examiner-general, (who ſhall reſide at Annapolis,) to examine, and paſs or reject, any certificate delivered to him agreeable to the former or future rules and directions. November, 1781, ch. 20, § 7.

—— Oath to be taken by the examiner. *Ibid.*

—— The governor and council to appoint an examiner for the eaſtern ſhore. 1795, ch. 61, § 2.

—— Certificates to be examined by him, &c. *Ibid.* § 2.

—— Fees allowed to the examiners. November, 1779, ch. 25, § 5, 1797, ch. 53, ch. 107, 1798, ch. 114, 1799, ch. 55.

—— Oaths to be taken by the examiner on the eaſtern ſhore. 1795, ch. 61, § 3.

A preference to be given to thoſe who had, before the firſt of December, 1781, made, or might, after the firſt of February, 1782, make the firſt application for warrants, (in proper for the tranſaction of buſineſs.) November, 1781, ch. 20

—— Provided, that on application before made, wa ſhould be obtained on or before the firſt day of July then *Ibid.*

What eſcheat warrants ſhall be good. *Ibid.*

—— Manner of warranting and defending the title o chaſers of ſuch land by the ſtate. *Ibid.*

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The value in current money of all eſcheat lands, and im ments thereon, and the real value in current money of provements on cultivated land, ſhall be returned and certi the ſurveyor, on oath, at the time of returning his cert *Ibid.* § 9.

—— The treaſurer of the weſtern ſhore ſhall finally a the value of ſuch land and improvements, and receive the therefor. *Ibid.*

—— The treaſurer of the eaſtern ſhore ſhall finally a the value of ſuch lands and improvements on his ſhore, a ceive the money therefor. 1795, ch. 61, § 4.

Directions reſpecting applications for warrants on cert where the caution money had not been paid to the agent late proprietary. November, 1781, ch. 20, § 10.

Grants directed to iſſue on all certificates on which th tion money had been paid, on the application of the unleſs grants had iſſued for the ſame to other perſons, o the chancellor, on hearing, ſhould otherwiſe direct. *Ibid*

No grant ſhall iſſue to affect any land which the ch on caveat may adjudge to have been included by the co an original grant, and ſince excluded by the variation compaſs, unleſs to the perſon holding under the grant or including ſuch land. *Ibid.* § 12.

—— The chancellor may, on ſuch adjudication, or certificate of the party claiming under an original grant, patent to iſſue for confirming to him the lands which determined to have been originally included in the courſe in expreſſed. *Ibid.*

—— Proviſion made for controverting, by a jury t opinion of the chancellor, if againſt the original p *Ibid.* § 13.

—— On ſuch patent of confirmation no money ſhall for the land or improvements. *Ibid.* § 12.

Certificates on warrants before the firſt of March, 1 rected to lie in the office three months after the firſt then next, and certificates on warrants under the act of ber, 1781, ch. 20, or thereafter to be granted, to lie in t ſix months after being compounded on, after which t ſpectively grants to iſſue without notice as had been April, 1782, ch. 38, § 2.

The ſurveyor may inſert in a certificate any boundary cial or natural, as being at the end of the diſtance e provided he ſhall actually meaſure ſuch diſtance. N 1781, ch. 20, § 14.

—— If the length of the line ſhall not reach the b and the line ſhall not have been actually run, ſuch ſurv on caveat, be adjudged void, ſo far as that the land whi cluded by running from the end of the courſe and diſtan end of the next courſe and diſtance, or to the next bou any, ſhall be liable to be affected as vacancy. *Ibid.*

—— Every ſurveyor, before he enters on the executi office, ſhall ſwear or affirm, that he will not mention a dary in his certificate of ſurvey unleſs he ſhall actually meaſure the diſtance to ſuch boundary, and that the bou boundaries by him returned ſhall be at the end of the li preſſed, and that the certificate does not contain more l certified by him, to the beſt of his knowledge and beli

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e regiſter for the weſtern ſhore to tranſmit annually, on or the firſt of October, to the commiſſioners of the tax of veral counties, a liſt of all grants, the name of the gran- nd land, and the quantity of acres, and the date of the ate and grant. *Ibid.* § 15.

grant to iſſue on certificates returned of land adjoining to rmerly belonging to the Principio company, but the ſame ſerved to the ſtate. *Ibid.* § 16.

ſons having ſurveys made before the firſt of March, 1777, e ſince by virtue of warrants granted before that time, ered to compound thereon on or before the firſt of No- r then next, after which warrants might iſſue to affect the d. April, 1782, ch. 38, § 1.

But no warrant to iſſue to affect ſurveys not compounded time, if the certificate had been loſt or miſlaid, or erro- or where the owner was an infant, or caveat remained in or default in payment had not been owing to the neglect of ner, without the expreſs licence of the chancellor. *Ibid.*

Owners neglecting to compound, empowered, (before ion for a warrant,) to obtain grants, on making payment in mentioned. *Ibid.*

Similar proviſions, extending the time to the firſt of en next. November, 1782, ch. 5.

n-carriers to be ſworn or affirmed, and the ſurveyor or empowered to adminiſter the oath, &c. April, 1782, § 3.

No ſurveyor to execute any warrant unleſs the chain- is ſo qualified. *Ibid.*

The ſurveyors directed to obſerve the conduct of the rriers. *Ibid.*

icates in the hands of the late examiner-general directed livered, on or before the firſt of July then next, to the n the weſtern ſhore. *Ibid.* § 4.

The regiſter directed to receive the fees due on them, them to the ſaid examiner. *Ibid.*

Erroneous certificates to be delivered to the owner, on ing the fees for the uſe of the ſaid examiner. *Ibid.*

Such fees to be recovered by the owners from the ſur- their executors. *Ibid.*

nts to iſſue on certificates then in the office which in- nd lying in any of the reſerves made by the late pro- , but the ſaid certificates to be corrected ſo as to ex- h land. *Ibid.* § 5.

Directions to be given by the governor and council to eyors not to run into ſuch reſerves, or other lands for the ſtate, and proviſion made for the return of money paid for ſuch land. *Ibid.* § 6, 7.

icates then lying in the office caveated to remain ſix fter the firſt day of July then next, after which patent n certain conditions therein mentioned. *Ibid.* § 8.

The regiſter directed to make out a liſt of ſuch certifi- preſſing the names, land, &c. and to tranſmit ſuch liſt veral counties for publication. *Ibid.*

ſpecial or common warrants are not executed, new may be granted in lieu thereof, or they may be applied e compoſition on any certificate. *Ibid.* § 9.

But nothing herein to compel the owner or poſſeſſor to rplus land, or to weaken his title, or to give any other ter the grant before iſſued a right to take up any ſuch *Ibid.*

cial or common warrants granted before the firſt of 777, capable of being renewed at any time within ſix m the firſt of July then next. *Ibid.* § 10.

s may iſſue from the chancery or general court to rties to appear before the chancellor to maintain or caveat. *Ibid.* § 11.

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—— Mode of compelling the attendance of witneſſes thereon. *Ibid.*

—— Their allowance, and the mode of payment preſcribed. *Ibid.*

—— The chancellor empowered, (as in the court of chancery,) at his diſcretion, to award coſts to the party prevailing on the deciſion of any caveat. 1797, ch. 114, § 8.

The chancellor may by rule direct depoſitions to be taken as evidence on the hearing of any caveat, on reaſonable notice being given. April, 1782, ch. 38, § 11.

Such depoſitions to be directed by the judge of the land-office on the eaſtern ſhore, and the like power given to ſummon the parties and witneſſes. 1795, ch. 61, § 12.

A patent directed to iſſue on the certificate therein mentioned. 1784, ch. 13, November, 1787, ch. 32.

A grant may iſſue after the firſt of July *(then)* next, to any citizen of this or the United States, for any land within the ſtate weſtward of Fort Cumberland, regularly ſurveyed by virtue of a common or ſpecial warrant obtained between the 22d of March and the 6th of October, 1774, for which the common conſideration of 1*l.* ſterling per acre was paid, and which certificates were, at the paſſage of the act of November, 1781, ch. 20, *bonâ fide* the property of ſuch citizen. 1784, ch. 75, § 2.

—— Grants ſo to be obtained, or before obtained, to be void, where the certificates were not the property of a citizen. *Ibid.* § 4.

—— Mode of aſcertaining ſuch property. *Ibid.*

Grants iſſued, or to be iſſued, for any lands within any manor to the weſtward of Fort Cumberland, to be void. *Ibid.* § 3.

Grants of land to the weſtward of Fort Cumberland, in which vacancy is included, made in virtue of warrants granted on or before the ſixth of October, 1774, ſhall be void. *Ibid.* § 6.

Grants to be made of certain lands purchaſed from the commiſſioners of the late proprietary in the manner therein mentioned. *Ibid.* § 5.

Directions reſpecting grants where the quantity expreſſed in the warrant has been exceeded not above one fourth. *Ibid.* § 7, 1785, ch. 67, § 2.

Perſons holding lands within the limits of this ſtate, which were conſidered as lying in Pennſylvania, entitled to receive patents from the land-office of this ſtate, on producing their Pennſylvania patents, or authenticated copies, without paying any purchaſe or caution money, or any charge or demand, except the common fees. 1785, ch. 66, § 7.

Manner of obtaining patents on the return of a certificate of ſurvey of land within any manor or reſerve, ſold by the intendant or commiſſioners of confiſcated property. *Ibid.* § 1.

—— Such certificates and patents to be recorded among the records of the land-office. *Ibid.*

—— Certificates and plots of ſurvey by perſons appointed to ſurvey the ſaid lands, returned to the regiſter before the firſt of January, 1787, directed to be recorded, &c. as if executed and returned by the ſurveyor of the county. *Ibid.* § 2.

—— The time further extended to the 15th of April, 1787. 1786, ch. 54.

—— Further extended to the 25th of December, 1787. April, 1787, ch. 27.

—— Certificates and plots by ſurveyors under the intendant or the governor and council, returned before the firſt day of December then next, were to be received, &c. as if executed and returned agreeably to the times in acts before providing in ſuch caſes. November, 1788, ch. 37, § 5.

—— Certificates and plots returned on or before the firſt day of December then next, to be received, &c. as if returned agreeably to the time mentioned in the act of April, 1787, ch. 27. 1794, ch. 35.

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—— The time further extended to the firſt of Auguſt, 1796. 1795, ch. 81.

—— Caveat may be entered to the certificates therein mentioned within ſix months from the time of the return, to be heard and determined as in other caſes. 1785, ch. 66, § 4.

Manner of conveying land ſold by the intendant or the commiſſioners of confiſcated property. *Ibid.* § 5, 8.

All reſerves of land for which no patent ever iſſued, (except only the reſerve to the weſtward of Fort Cumberland and the reſerves of the city of Annapolis and Baltimore-town,) taken off, and any land within the ſame liable to be taken up at 7*ſ*6 per acre, or ſuch price as the legiſlature might direct. *Ibid.* § 6.

Caveat may be entered by creditors on the return of a certificate under an eſcheat warrant. *Ibid.* ch. 78.

No caution or compoſition money ſhall be required for any ſurplus land on any certificate then or thereafter to be returned on reſurvey of any tract or part of a tract of land granted before the firſt of January, 1777. *Ibid.* ch. 81.

—— No ſurplus land of one tract to be applied to make up the deficiency of any other in the ſame warrant on any certificate of lands granted before the firſt of January, 1777. April, 1787, ch. 43.

Where any leaſed or vacant lands have been ſold by the intendant, and purchaſed under circumſtances as before therein expreſſed, the ſurveyor is empowered to reſurvey the tracts of land belonging to the purchaſers contiguous to ſuch leaſed or vacant land which may be included in ſuch reſurvey. November, 1788, ch. 37, § 4.

—— Such reſurveys, when returned, to be accepted in the land-office, and patent to iſſue. *Ibid.*

The chancellor, as judge of the land-office, empowered to hear all claims under the act for the relief of certain purchaſers of confiſcated property, and the proceedings to be recorded in the land-office. *Ibid.* ch. 40, § 8, 1789, ch. 14.

A preference to be given to the ſettlers on the lots therein mentioned in the reſerved lands weſtward of Fort Cumberland. November, 1788, ch. 44, § 2.

—— The price and time of payment fixed. *Ibid.*

—— The purchaſer, on payment, &c. to have a patent. *Ibid.* § 22.

—— In default of payment the land to be liable to proclamation in the uſual manner. *Ibid.* § 3.

—— Commiſſioners to be appointed to ſettle the pre-emption, value, &c. *Ibid.* § 4.

—— Patents to iſſue on payment of the valuation and fees. *Ibid.* § 21.

A number of lots to be laid out for the officers and ſoldiers as therein deſcribed, and diſtributed by lot by the ſaid commiſſioners. *Ibid.* § 5, 6, 7, 8, 9.

—— The commiſſioners to give notice of the time and place of diſtribution, &c. *Ibid.* § 9.

—— The name of the officer or ſoldier drawing any lots to be endorſed on the ticket containing the number, and thereupon ſuch officer or ſoldier, or his repreſentative, ſhall have an eſtate in fee-ſimple therein without any patent, deed or grant. *Ibid.* § 20.

—— The remainder of the ſaid lots directed to be ſold for any kind of ſpecie certificates of this ſtate, to be paid at the time of ſale. *Ibid.* § 10.

—— Directions for payment of the ſurveyors. *Ibid.* § 11.

The diſpoſition of the lands patented or taken up within the manors and reſerves therein before mentioned deferred. *Ibid.* § 12.

Proviſion for taking up the remainder of the ſaid lands, and other vacant land, in the manner preſcribed by the act of November, 1781, ch. 20. *Ibid.* § 13.

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The privilege of roads and waters through all the ſaid reſerved to the public. *Ibid.* § 14.

The general plot and book of certificates to be lodged land-office, and to be conſidered as record books of th *Ibid.* § 16.

Proviſion for payment of the expences of the ſurvey, a compenſation to the ſurveyor. *Ibid.* § 17, 18.

—— Allowance to the commiſſioners. *Ibid.* § 23.

—— An oath to be taken by them. *Ibid.* § 24.

The commiſſioners directed to make a record of the v on, &c. of the lots diſtributed and ſold, to be returned regiſter and kept by him. *Ibid.* § 25.

In all diſputes before the chancellor as judge of the l fice, he may decree according to the principles eſtabliſhed court of chancery, as if the matter were brought before bill. 1789, ch. 35, § 4.

An oath to be taken by the proprietor of a certificate ca to prevent the time for determining ſuch caveat from bei ſidered as part of the time limitted for payment of the c tion money. *Ibid.* § 5.

Regulations reſpecting the taking up of land by ſurve their deputies. *Ibid.* § 2, November, 1792, ch. 15.

Penalty on ſurveyors or their deputies knowingly return certificate contrary to this act. 1789, ch. 35, § 3.

Manner of procuring the attendance of witneſſes on *Ibid.* § 6, 7.

—— Their allowance. *Ibid.* § 8.

The time allotted for payment for the lands ſold to weſtward of Fort Cumberland extended to the firſt of each year. *Ibid.* ch. 48.

—— The ſettlers allowed till the firſt of May *then* make their firſt payment. *Ibid.*

—— Not to affect the rights of any perſon acqui the firſt of September *then* laſt to any of the ſaid lots, vided that any perſons who had or might proclamate ſhould pay ſuch compoſition money thereon as the ori tlers were to pay. *Ibid.*

—— The treaſurer empowered to receive from ſuch at any time thereafter, the whole or part of the money no forfeiture to be incurred of any payment then made ch. 85, § 1, 2.

—— The lands directed to be ſold on default of *Ibid.* § 3.

—— A further time allowed for payment in thirds, to the 1ſt of May, 1793, 1794 and 1795. November, 179

—— The treaſurer empowered to receive from per had proclamated the lots one half of the money due on the 1ſt of May, 1794, and the remainder on or befor of May, 1795, if the warrant was aſſigned to the ori tler. 1793, ch. 62, § 9.

—— Empowered to receive the balance due at any fore the operation of the ſaid proclamation warrants ſho if aſſigned as aforeſaid. 1794, ch. 30.

—— To receive alſo from ſettlers, whoſe lands wer clamated, the balance due to the ſtate at any time befo mation. *Ibid.*

—— Commiſſioners appointed to ſettle and adjuſt th ries of the ſaid lots, &c. 1793, ch. 62, § 2.

—— Patents to iſſue to ſettlers complying with the *Ibid.* § 10.

Certificates of ſurvey made by the ſurveyor of W county, (before the diviſion,) of lands lying in Allega directed to be returned to the land-office, &c. as if m ſurveyor of Allegany county. 1790, ch. 2.

Directions for ſelling certain lots to the weſtwa Cumberland. 1791, ch. 85, § 4.

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— For selling ſurplus lots before appropriated. *Ibid.* § 5.
— Allowance for ſelling. *Ibid.* § 7.
rants to be iſſued to any of the ſettlers complying with
contracts. *Ibid.* § 6.
nds taken under this act to be a lien on the lands of the
rs from the date. *Ibid.* § 9.
e money ariſing from the ſale of vacant lands to be applied
ake up the deficiency of taxes in the chancery and land-
s for the payment of the chancellor's ſalary. November,
, ch. 76, § 6.
e regiſter on the eaſtern ſhore to tranſmit annually, on or
e the firſt of October, to the commiſſioners of the tax, liſts
l grants or patents, with the names, quantity of acres, &c.
, ch. 61, § 7.
e ſeveral acts in force for the government of land affairs, &c.
e weſtern ſhore, to be in force on the eaſtern ſhore, except
e virtually altered by this act. *Ibid.* § 10.
arrants to iſſue on the eaſtern ſhore for any deficiency in a
, but not upon a grant or certificate to be iſſued or made
e the firſt of March then next, until a certificate ſhall be
ed from the regiſter of the weſtern ſhore, that no warrant
een before iſſued for ſuch deficiency, or any part thereof,
e party under whom he claims in any manner ſatisfied for
ame, as far as appears by the records of the ſaid office.
§ 11.
ties or witneſſes to be ſummoned to appear before the judge
ding any caveat, and their attendance to be enforced by at-
ent and fine. *Ibid.* § 12.
— Directions for the payment of witneſſes and coſts.
judge, by rule, may direct depoſitions to be taken and
s evidence. *Ibid.*
ere a warrant is executed by a deputy-ſurveyor, and the
al dies before the certificate is ſigned, the deputy may,
ſix months after ſuch death, make out and ſign a plot
cial certificate, ſtating the circumſtances, on affidavit,
ſhall be as effectual as if ſigned by the ſurveyor. *Ibid.*
§ 5.
— If an amendment or correction is neceſſary, it ſhall be
by the ſaid deputy, or ſuch other perſon as the chancellor
ge on the eaſtern ſhore ſhall think proper. *Ibid.*
an order for correcting a certificate, if the ſurveyor re-
his office, the chancellor or judge may order the correction
made by him, which ſhall be as valid as if he had not re-
. *Ibid.* § 6.
— Fees thereon to be allowed not exceeding thoſe eſtabliſh-
law. *Ibid.*
tificates corrected under any order then made, not to be
d unleſs paſſed by the examiner, if neceſſary, and return-
re the 1ſt of January, 1797. *Ibid.* § 7.
rected certificates thereafter not to be received, unleſs
by the examiner, if neceſſary, and returned within nine
s from the date of the order. *Ibid.*
— Not to extend the time within which a ſurvey or re-
under a warrant may be made. *Ibid.*
ere a certificate is erroneous, or the correction thereof is
d, and there is not time to enable the party to pay the
by the time required by law, on a tender thereof to the
r three months ſhall be allowed for the correction.
§ 8.
certificate of ſurvey or reſurvey to be liable to proclama-
fore the firſt of June *then* next. *Ibid.* § 9.
ere, on the return of a certificate, vacant land is included
compounded for agreeably to law, ſuch ſurvey or re-
ſhall be liable to be affected by proclamation warrant by
on applying. *Ibid.* § 10.

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—— But no proclamation warrant ſhall iſſue on any ſurvey made, or to be made, unleſs one tenth part of the land contained in ſuch ſurvey is compounded on before the warrant iſſues. *Ibid.*
—— The perſon claiming the ſurvey to have one day after the aforeſaid firſt of June, or after the expiration of the warrant, to pay and compound thereon, and no application ſhall be received till after ſuch day of pre-emption. *Ibid.*
—— Not to affect the right of any perſon who had then applied for any proclamation warrant, if taken out on or before the firſt of April *then* next. *Ibid.*
The duty of ſurveyors in returning certificates to expreſs the quantity and quality of the improvements, with their opinion of their value. *Ibid.* § 11.
—— No exception ſhall hereafter be taken to any certificate of ſurvey or reſurvey, by way of caveat in the land-office, on account of improvements not being returned. *Ibid.*
Perſons having ſurveys made on the eaſtern ſhore before the firſt of July, 1796, or ſince made under warrants granted before that time, which by law were returnable to the weſtern ſhore, empowered to compound thereon on or before the firſt of July, 1797. 1796, ch. 6, § 2.
—— No ſuch certificates liable to be affected by proclamation or other warrant before the ſaid time. *Ibid.*
—— Not to affect the right of any perſon then acquired by any proclamation or ſpecial warrant of reſurvey, or by any common warrant then located, to lands included within ſuch certificates. *Ibid.*
—— Certificates on ſurveys, &c. aforeſaid, to be received into the land-office for the weſtern ſhore on or before the firſt of July, 1797. *Ibid.* § 3.
The regiſter on the weſtern ſhore directed to correct the returns of the commiſſioners of the lands in Allegany county weſtward of Fort Cumberland in the particulars therein mentioned. 1797, ch. 31, § 2.
—— To correct the return of a particular lot on the conditions therein mentioned. *Ibid.* § 3.
—— The lots to be held and aſſeſſed according to the ſaid correction. *Ibid.* § 4, 5.
The regiſters directed to make out for the commiſſioners of the tax a liſt of all grants between the fifteenth of March, 1797, and the fifteenth of March, 1798, expreſſing the names, &c. and alſo a liſt of all certificates ready for patent ſince the fifteenth of March, 1797. *Ibid.* ch. 89, § 36.
—— To make out, (after the year 1798,) annually, between the firſt of January and the firſt of March, for the commiſſioners, a liſt of all certificates ready for patent, expreſſing the names, &c. *Ibid.* § 37.
—— Such liſts directed to be delivered to the ſheriffs of Anne-Arundel and Talbot counties by the regiſters reſpectively, to be forwarded as public letters. *Ibid.* § 39.
—— Compenſation to the regiſters. *Ibid.* § 40.
—— Liſts of land alienated to be forwarded by the clerks of the general court. *Ibid.* § 38.
No caveat ſhall be entered where compoſition money is due on a certificate, unleſs the party ſhall make oath or affirmation, that he conceives he has good cauſe for entering the ſame, and has pretenſions to the land, or a part thereof, and that the caveat is not entered to favour the party, by enabling him to prolong the time for payment of the compoſition money, or made at his requeſt, or at the requeſt of another perſon. *Ibid.* ch. 114, § 9.
No caveat hereafter entered ſhall remain in force longer than twelve months from the entering thereof, unleſs under the ſpecial circumſtances the chancellor or judge ſhall ſo order and direct. *Ibid.* § 10.

—— All

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—— All caveats already entered ſhall be brought to iſſue by ſubpœna, or order of the chancellor or judge of the land-office, on the application of the party, or by ſubmiſſion, on or before the firſt of January, 1800, unleſs under the ſpecial circumſtances the chancellor or judge ſhall order a continuance, and after the expiration of the time ſo limitted or ordered, the ſaid caveats ſhall be wholly diſcontinued, and the ordinary proceedings had. *Ibid.* § 11.

A copy of any of the books, papers, entries and proceedings, in poſſeſſion of the regiſters of the land-office, (not being matter of record,) and by them atteſted, ſhall be received in evidence as if the books, &c. were produced, if ſworn to be true copies. 1798, ch. 108.

Suits authoriſed to be brought againſt the ſtate by perſons having claims to or liens on land which has eſcheated or ſhall eſcheat. 1799, ch. 79, § 7.

Land, (not exceeding two acres for a church, meeting, or other houſe of worſhip, and for a burying-ground,) may be ſold, given, leaſed or deviſed, without the leave of the legiſlature. Decl. 34.

The average value of land by the acre eſtabliſhed in the ſeveral counties. 1785, ch. 53, § 2, November, 1792, ch. 71, § 12, 13.

—— The annual aſſeſſment for ſupplies to be impoſed on the amount of the land in each county at the ſaid average value. 1785, ch. 53, § 3.

Regulations reſpecting the boundaries of land. 1723, ch. 8, 1786, ch. 33, 1793, ch. 70.

See BOUNDARIES.

—— Reſpecting the deſcent of lands. 1786, ch. 45.

See DESCENTS.

—— Reſpecting the draining of lands in certain counties. 1790, ch. 3, 1799, ch. 73.

See DRAINING LANDS.

The crop and produce of land, in the hands of the perſon whoſe lands produced the ſame, not to be valued or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

Directions for a ſale of lands, or a part thereof, on which no perſonal property can be found, liable for the county charges thereon. *Ibid.* ch. 90, 1799, ch. 74.

See COLLECTORS.

Directions reſpecting the valuation of lands, liſts of alienations, &c. 1797, ch. 89, 1798, ch. 96.

See VALUATION of PROPERTY.

When orphans are entitled to land by deſcent or deviſe, guardians to be appointed. 1798, No. 101, ch. 12, § 1.

Deviſes of land to the wife, to be intended in bar of dower, unleſs otherwiſe expreſſed. *Ibid.* ch. 13, § 1.

A common warrant for land, not executed, or located in the life-time of the deceaſed, ſhall be aſſets in the hands of his executor or adminiſtrator. *Ibid.* ch. 14, § 3.

—— If executed or located, it ſhall be the property of the heirs. *Ibid.*

LARCENY.

If any perſon to whom a will or codicil hath been or ſhall be delivered by the party making it for ſafe cuſtody, ſhall alter or deſtroy the ſame, without the direction of the ſaid party, or wilfully ſecrete it for the ſpace of ſix months after the death of the party ſhall be known to him, he ſhall, on conviction, be ſentenced to ſuch puniſhment as is inflicted by law in caſes of grand larceny. 1798, No. 101, ch. 2, § 1.

LAWS.

No power of ſuſpending laws, or the execution of them, unleſs by or derived from the legiſlature, ought to be exerciſed or allowed. Decl. 7.

LAWS.

For amending, ſtrengthening and preſerving the laws, the legiſlature ought to be frequently convened. *Ibid.* 10.

Sanguinary laws ought to be avoided as far as is conſiſtent with the ſafety of the ſtate, and no law to inflict cruel and unuſual pains and penalties ought to be made. *Ibid.* 14.

Retroſpective laws, puniſhing facts committed before the exiſtence of ſuch laws, and by them only declared criminal, oppreſſive and unjuſt, and incompatible with liberty, wherefore no *ex poſt facto* law ought to be made. *Ibid.* 15.

No law to attaint particular perſons of felony or treaſon ought to be made in any caſe, or at any time hereafter. *Ibid.* 16.

Every free man, for any injury done to him in his perſon or property, ought to have remedy by the due courſe of the law of the land. *Ibid.* 17.

No man ought to be compelled to give evidence againſt himſelf in a court of law. *Ibid.* 20.

No free man ought to be taken or impriſoned, or diſſeized of his free-hold, liberties or privileges, or outlawed or exiled, or any manner deſtroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land. *Ibid.* 21.

Exceſſive bail ought not to be required, nor exceſſive fines impoſed, nor cruel or unuſual puniſhments inflicted, by the courts of law. *Ibid.* 22.

The great ſeal to be affixed to all laws as heretofore practiſed in this ſtate. Conſt. 36.

The ſtyle of all laws to run thus, "*Be it enacted, by the general Aſſembly of Maryland.*" *Ibid.* 57.

Directions for ſigning, ſealing, recording and publiſhing laws. *Ibid.* 60.

See ACTS of ASSEMBLY.

The treaty of peace made between the United States of America and Great-Britain declared the ſupreme law in this ſtate. April, 1787, ch. 25.

The opinion of the general court on an appeal from the county court, and of the court of appeals from the general court, to be concluſive in law as to the queſtion by them decided, but on a reverſal, the proceedings are returned. 1790, ch. 4.

See APPEALS.

LEASE.

Manner of obtaining poſſeſſion from tenants for years, at will. 1793, ch. 43.

Leaſes for years aſſets in the hands of an executor or adminiſtrator. 1798, No. 101, ch. 7.

Guardians empowered to leaſe out lands not exceeding ſeven years, and to be within the nonage of their wards. *Ibid.* § 8.

LEGACIES.

Directions reſpecting legacies. 1718, ch. 5.

—— For delivering up the perſonal eſtate to thoſe entitled after all the debts have been diſcharged by an executor, adminiſtrator with the will annexed. 1798, No. 101, § 6.

Manner in which a partial payment of a legacy may be ſecured before an eſtate is ſettled. *Ibid.* § 7, 8.

Directions reſpecting legacies payable at a future period or on a contingency. *Ibid.* § 11.

Proviſion for the appointment of guardians to orphans entitled to legacies. *Ibid.* ch. 12, § 1, 2.

—— Legacies, when to be delivered to guardians. *Ibid.* § 1.

Every bequeſt of perſonal eſtate to the wife of the teſtator ſhall be conſtrued to be intended in bar of her ſhare of the perſonal eſtate, unleſs otherwiſe expreſſed. *Ibid.* ch. 13.

LEGACIES.

ſes in which an executor ſhall be excuſed from exhibiting ventory, on his giving bond for the payment of debts and ies. *Ibid.* ch. 14, § 6.

— Manner of compelling the payment of ſuch legacies.

y executor or adminiſtrator ſhall be entitled to appoint a ing of perſons entitled to legacies on ſome day by the ns court approved, and payment may be then made under ourt's direction and control. *Ibid.* § 12.

phans courts to be appointed, with power to ſecure the of legatees. *Ibid.* ch. 15, § 1.

LEGISLATURE.

right of the people to participate in the legiſlature is the curity of liberty, and the foundation of all free govern- Decl. 5.

legiſlative, executive and judicial powers, ought to be t and diſtinct. *Ibid.* 6.

legiſlature to conſiſt of two diſtinct branches, a ſenate houſe of delegates, which ſhall be ſtyled, "The General bly of Maryland." Conſt. 5.

other matters, ſee GENERAL ASSEMBLY.

LESSOR.

notice given, and refuſal by tenant for years or at will to , the leſſor, or his heirs, &c. may apply to two juſtices peace, who may direct a jury to be ſummoned, &c. and ward reſtitution, and iſſue their warrant to the ſheriff, and dgment and iſſue execution for coſts. 1793, ch. 43.

— In the caſes therein mentioned, where ſecurity is given tenant to proſecute his claim at the next county court, ices ſhall forbear to award reſtitution, &c. *Ibid.*

LETTERS.

ty for breaking open private or public letters. 1713, 8, 9.

er of forwarding public letters, and compenſation allow- ſor. 1790, ch. 51, 1791, ch. 20.

ty for breaking open packages or letters belonging to lic or private perſons. 1790, ch. 51, § 11.

PUBLIC LETTERS.

LETTERS TESTAMENTARY.

what caſes they may be granted by the regiſters of wills ceſs of the orphans court. 1798, No. 101, ch. 2, § 6.

to be granted before the determination of any caveat en- gainſt a will. *Ibid.* § 10.

— May be delayed on a petition for a rehearing being put id. § 13.

— May be revoked on a deciſion againſt the probat. *Ibid.*

— Directions reſpecting the granting them after the will is icated. *Ibid.* ch. 3, § 1.

LEVY COURTS.

wance to be made by them for wolves heads. November, ch. 4, § 3, 1790, ch. 8, November, 1792, ch. 13.

times of holding the levy courts altered in the counties mentioned. 1793, ch. 46.

levy courts empowered to ſummon witneſſes in diſputes ng inſpectors accounts. *Ibid.* ch. 47, § 5.

n of the juſtices of the peace to be commiſſioned by the r and council as juſtices of the levy court in each coun- ept Baltimore, wherein there are to be eleven, four in the d ſeven in the county. 1798, ch. 34.

juſtices of the levy court to meet between the firſt of and firſt of October, annually, at their court-houſes, to

LEVY COURTS.

adjuſt the ordinary expences of their counties, an allowance for the poor, and for the public roads, and for the payment thereof, with a commiſſion not exceeding ſix *per cent.* to impoſe an aſſeſſment or rate on all property within their counties, and appoint a perſon or perſons to collect the ſame. 1794, ch. 53, § 1.

—— The collector to give bond as therein preſcribed. *Ibid.*

—— Duty of the clerk as to keeping accounts of the aſſeſſment, and delivering copies to the collector, &c. *Ibid.* § 2.

—— The collector to proceed to the collection, and render an account and make payment. *Ibid.*

—— On refuſal or neglect his bond to be put in ſuit. *Ibid.*

—— Mode of recovery preſcribed. *Ibid.* 1797, ch. 43.

—— The collector to ſubſcribe a declaration of his belief in the Chriſtian religion, and to take the oaths therein preſcribed. 1794, ch. 53, § 2.

—— Proceedings againſt the collector on his failing to pay over the money collected for the poor. *Ibid.* § 3.

The levy courts may impoſe aſſeſſments,

—— For repairs to the court-houſes of their county not exceeding £. 100 per year,

—— For repairs to their county priſon not exceeding £. 150 per year,

—— For repairing completely any bridge not exceeding £. 30 per year,

—— For erecting any one new bridge not exceeding £. 100 per year. *Ibid.* § 4.

Directions for building bridges where two or more counties are divided by water. *Ibid.* § 5, 6.

Collectors proceeding to the ſale of goods or chattels to enforce the payment of the county charge ſhall be entitled to the ſame fees as are eſtabliſhed by law on the ſervice of executions. *Ibid.* § 7.

The levy courts to appoint the conſtables and overſeers of the road in the ſame manner as they have been appointed by the county courts. *Ibid.* § 8.

Allowance to the juſtices of the levy courts. *Ibid.* § 9.

Nothing in the act to authoriſe the juſtices to allow any claim not properly chargeable to the county, or for which a legal voucher is not produced. *Ibid.* § 11.

Nothing in this act to empower the levy courts to increaſe the allowance to the poor-houſes, where they are aſcertained by law. *Ibid.* § 12.

This act not to repeal an act to alter the mode of collecting the county tax in Harford county. *Ibid.* § 13.

The levy courts to aſſeſs in the county taxes the value of trees cut down or uſed by the overſeers in repairing bridges. 1795, ch. 37, § 4.

The juſtices of the peace to account at the levy courts for all money received under the act for the preſervation of the breed of fiſh in Patuxent river, under the penalty of 200 dollars. 1796, ch. 32, § 4.

Power of the levy courts in Worceſter county reſpecting the roads therein. *Ibid.* ch. 59, § 2, 3, 6.

The county clerks to lay before every ſeſſion of the levy courts a return of the ſums received under the act to lay a tax on billiard tables, under a penalty of 50 dollars. 1798, ch. 113, § 5.

LIBERTY.

When public liberty is manifeſtly endangered, and all other means of redreſs are ineffectual, the people may, and of right ought, to reform the old or eſtabliſh a new government. Decl. 4.

The right of the people to participate in the legiſlature is the beſt ſecurity of liberty. *Ibid.* 5.

Retroſpective laws incompatible with liberty. *Ibid.* 15.

I N D E X.

LIBERTY.

The trial of facts where they arise is one of the greatest securities of the lives, liberties and estate of the people. *Ibid.* 18.

No free man to be deprived of his liberties but by the judgement of his peers, or by the law of the land. *Ibid.* 21.

Standing armies dangerous to liberty, and ought not to be raised or kept up without consent of the legislature. *Ibid.* 26.

The independency and uprightness of judges a great security to the rights and liberties of the people. *Ibid.* 30.

A long continuance in the first executive departments of power or trust is dangerous to liberty, &c. *Ibid.* 31.

All persons professing the Christian religion are equally entitled to protection in their religious liberties. *Ibid.* 33.

The liberty of the press ought to be inviolably preserved. *Ibid.* 38.

LIBRARY COMPANIES.

The Somerset library company incorporated. 1797, ch. 23, § 2.

—— Enabled to have and dispose of real and personal property, the yearly value not exceeding 2000 dollars. *Ibid.*

The library company of Baltimore incorporated. *Ibid.* ch. 35, § 2.

—— Empowered to hold real and personal property of the yearly value of 1000 dollars, exclusive of a house for their books, &c. *Ibid.*

LICENCE.

Penalty on persons marrying without licence, or their names being published, and regulations respecting the issuing and accounting for such licences. February, 1777, ch. 12, 1797, ch. 38.

See MARRIAGE.

Licences to keep ordinaries may be granted by the county courts. March, 1780, ch. 24, § 1, 2, 1784, ch. 7, § 5, ch. 37, § 22.

—— The chief justice, or an associate justice, may grant them in the counties where they reside, to be in force till the end of the court next after, for which the person shall pay in proportion, and enter into a recognizance. 1791, ch. 58.

Tavern-keepers who permit any E. O. A. B. C. L. S. D. or faro table or other device, to be set up and played in their houses or out-houses, shall forfeit their licences. 1797, ch. 110, § 3.

See ORDINARY-KEEPERS.

Licence to keep a public ferry may be granted by the county courts. November, 1781, ch. 21, § 1, April, 1782, ch. 31.

—— Any two justices of the peace may, on application, grant licence to a person to keep such ferry till the meeting of the court, taking his recognizance. April, 1782, ch. 31.

—— A licence to be granted for keeping the ferry therein mentioned. 1799, ch. 69.

—— Regulations respecting licences for keeping ferry. *Ibid.* ch. 83.

See FERRIES.

Hawkers and pedlers to take out licence from the county courts annually. 1784, ch. 7, § 6, ch. 37, § 23.

—— The sum of £. 6 to be paid for such licences, and 5*s.* to the clerk. *Ibid.*

—— What persons shall be deemed hawkers and pedlers. *Ibid.* 1799, ch. 46.

See HAWKERS and PEDLERS.

Penalty on persons retailing spirituous liquor without licence. 1784, ch. 7, § 7, ch. 37, § 24.

—— The county courts directed to grant such licences to persons of reputation, to be in force for one year. 1784, ch. 7, § 8, 13, ch. 37, § 25, 30.

LICENCE.

—— The sum of £. 3 to be paid for such licence to sheriff, and 5*s.* to the clerk. *Ibid.*

—— The chief justice, or an associate, (within their respe counties,) may grant licences to retailers of spirituous liquo be in force till the end of the next court after, to be paid pr portion, and recognizances to be taken and returned, b licence to be granted to any person who has been refused b court. April, 1792, ch. 7.

The sums received for marriage, ordinary, hawkers an tailers licences, on the eastern shore, to be applied to the Washington college. 1784, ch. 7, § 3, 5, 6, 8, 15.

—— To be applied on the western shore to Saint-J college. *Ibid.* ch. 37, § 20, 22, 23, 32.

See COLLEGE. RETAILERS.

Directions respecting licences to sell spirituous liqu horse-races. 1784, ch. 7, § 15, ch. 37, § 32.

Regulations respecting licences to pilots. November, ch. 26, 1790, ch. 27.

The president and trustees of the Maryland insurance c ny empowered to issue licences for the sweeping of chi 1791, ch. 69, § 29.

Licences to be granted by the county clerks for keeping ard tables. 1798, ch. 113.

The agent for the state directed to superintend the col of money due for ordinary, retailers and marriage lic 1799, ch. 80, § 4.

The corporation of the city of Annapolis invested wi power of regulating ordinaries and retailers of spirituous l and granting licence therefor. 1784, ch. 49.

The commissioners of the city of Washington, or any them, empowered to grant licences for retailing distilled within the limits of the said city, and to suspend or decl same void. 1791, ch. 45, § 12.

—— Empowered to license the building of wharfs ad the city until congress shall exercise the jurisdiction. *Ibi*

Licence for keeping ordinary and retailing spirituous li be granted by the corporation of George-town within it diction. 1799, ch. 85, § 2.

LIEN.

The bonds taken under the act for emitting bills of cred to be a lien on the real estate of the obligors. 1769, ch. 1

—— The bonds taken under the act for emitting bills dit, and applying part thereof, to be a lien in the same n November, 1773, ch. 26, § 9.

All lands and tenements belonging to any public debto the commencement of suit against him, shall be liable to tion in whosoever hands or possession they may be found. 1778, ch. 9, § 6.

The money due to the remainder of the children, or entitled by descent to land, after the division and acc thereof by those entitled in the manner therein mentione be a lien on the land so accepted. 1786, ch. 45, § 9.

All bonds taken in consequence of the supplement to respecting the settlers on the reserved lands shall be a the lands of the obligors. 1791, ch. 85, § 9.

Bonds given to indemnify the state on the renewal of ficate alleged to be lost shall be a lien on the real estate one of the obligors to the amount of the penalty. No 1792, ch. 38, § 3.

—— A list of such liens to be transmitted by the tre the counties where such lands lie, to be recorded. *Ibid.*

All bonds taken under sales of property by the state shall be a lien on the real property of the obligors and curities, or on so much as shall be mentioned in the thereto annexed. 1799, ch. 80, § 5.

LIEN.

oods taken in virtue of this act ſhall be a lien on the real erty of the obligors, or on ſo much thereof as the gover- nd council ſhall think ſufficient, to be mentioned in a ſche- to be annexed thereto. *Ibid.* § 17.

LIMITATION OF ACTIONS.

l actions of treſpaſs *quare clauſum fregit*, treſpaſs, detinue, , or replevin for taking away goods and chattels, actions count, contract, debt, book or upon the caſe, (except ſuch nts as concern merchant and merchant, their factors and nts, who are not reſidents here,) actions of debt for lending, ntract without ſpecialty, and actions of debt for arrearages , ſhall be ſued within three years enſuing the cauſe there- 1715, ch. 23, § 2.

ions on the caſe for words, actions of treſpaſs, of aſſault ttery, wounding and impriſonment, or any of them, ſhall d within one year enſuing the cauſe thereof. *Ibid.*

Perſons being at the time of ſuch cauſe accruing within e of twenty-one years, *feme-covert*, *non compos mentis*, ned, or beyond the ſeas, may bring ſuch actions within ſpective times limited after ſuch diſabilities are removed. § 3.

No perſon abſenting himſelf from the ſtate, or removing county to county, after any debt contracted, ſo that his rs cannot with certainty find his perſon or effects, ſhall y benefit of ſuch limitations. *Ibid.* § 4.

No perſon ſo abſent at the time when the cauſe of acti- rues ſhall have any benefit of ſuch limitation, provided ch action be commenced after the preſence of the perſon within the time limitted by the act of 1715, ch. 23. ber, 1765, ch. 12, § 2, 3.

Nothing in this act ſhall prejudice perſons removing e county to another for convenience, or leaving the ſtate time therein limitted, they leaving effects ſufficient and the hands of ſuch as will aſſume to their creditors pay- their juſt debts. 1715, ch. 23, § 5.

ll, bond, judgment, recognizance, *ſtatute merchant*, *or ſtaple*, or other ſpecialty, (except in the name or for the he ſtate,) ſhall be good and pleadable after the principal and creditor have been both dead twelve years, or the t. above twelve years ſtanding. *Ibid.* § 6.

Saving to perſons under the impediments of infancy, re, inſanity of mind, impriſonment, or being beyond the full benefit of ſuch bills, &c. for five years after ſuch ments are removed. *Ibid.*

prevent ſheriffs or ſub-ſheriffs from being injured by the ion of taking bonds, &c. without endorſing the account e of their remaining in office, ſhall not be accounted in of limitations. *Ibid.* ch. 46, § 14.

ons on adminiſtration and teſtamentary bonds ſhall be ced within twelve years after the paſſing ſuch bonds. ch. 24, § 21.

Saving to infants, &c. a right of bringing ſuch actions ix years after the diſability is removed. *Ibid.*

ons on ſheriffs bonds ſhall be brought within five years aſſing ſuch bonds, ſaving to the ſtate the right of ſuing wn right at any time, and to infants, &c. the liberty of ſuch actions within five years after the diſability is re- *Ibid.* ch. 25, § 3, 4.

bonds to be given on the aſſignments or conveyances mentioned not to be pleadable after three years, with a of three years in caſe of infancy, &c. 1753, ch. 36, § 3.

BANKRUPTS.

nations for ſabbath breaking to be made within one 1723, ch. 16, § 13.

LIMITATION OF ACTIONS.

Proſecutions, &c. for curſing, drunkenneſs, and omiſſion to puniſh the ſame, within ten days. *Ibid.*

—— For not reading the ſaid act, for ſelling liquors and ſuf- fering drunkenneſs and gaming on the ſabbath, within ſix months. *Ibid.*

For a breach of the act relating to the ſtandard of Engliſh weights and meaſures, the action, &c. to be commenced within one year. November, 1765, ch. 1, § 3.

Proſecutions, &c. for any penalty or damages for breach of the act for the inſpection of tobacco, or againſt perſons making a ſeizure, &c. under its proviſions, ſhall be brought within one year. 1789, ch. 26, § 63.

The time from the 26th of July, 1775, to the 1ſt of July, 1777, not to be conſidered as part of the time limitted for bringing ſuits that were reſtricted by reſolves of convention. February, 1777, ch. 15, § 7.

—— This act may be given in evidence on a general replica- tion to the plea of the act of limitations. *Ibid.*

The time from the firſt of July, 1777, to the time of paſſing this act, not conſidered as part of the time limitted for bringing ſuit for any debt. October, 1780, ch. 5, § 14.

—— This act, and the ſpecial matter, may be given in evi- dence on the general replication. *Ibid.*

The time between the paſſing this act and the firſt of Janua- ry, 1784, not conſidered as a part of the time limitted for bringing ſuit for any debt. April, 1782, ch. 55, § 5.

—— This act, and the ſpecial matter, may be given in evi- dence on the general replication to the plea of limitations. *Ibid.*

The time from the diſcharge of an inſolvent priſoner till ſuit is brought, (on debts due to him,) by the ſheriff as truſtee, not affected by any act of limitation, if the ſuit is brought within one year. 1774, ch. 28, § 4.

In any cauſe referred, if a party or an arbitrator hath died, or ſhall die before the making of an award, if any arbitrator has refuſed or ſhall refuſe to act, or if an award hath been or ſhall be ſet aſide, then all the time from the original writ till ſuch death, refuſal to act, or ſetting aſide the award, ſhall not run or be reckoned as part of the time limitted for bringing ſuch ſuit. October, 1778, ch. 21, § 10.

No proſecution or ſuit to be commenced for any penalty or forfeiture impoſed by the act for the regulation of officers fees, unleſs within one year from the time of the offence committed. November, 1779, ch. 25, § 19.

In caſe no ſuit ſhall be brought to call in queſtion the adjudi- cation of the commiſſioners for marking and bounding lands within five years next after recording the return, the marking and bounding ſuch land, and the record thereof, ſhall be concluſive evidence of the original location thereof. 1786, ch. 33, § 5.

—— A ſaving to infants, &c. of five years after the diſability is removed. *Ibid.*

The limitations of real eſtates therein mentioned, by deſcent or otherwiſe, not affected by the act to direct deſcents. *Ibid.* ch. 45, § 6.

Suits under the ſupplement to the act to eſtabliſh a market in Elizabeth-town, to be brought within ſix months. 1793, ch. 9, § 7.

Suits for any thing done under the act for the valuation of property to be brought within ſix months. 1797, ch. 89, § 29.

If on claims againſt the eſtate of a deceaſed perſon, exhibited and diſputed as therein mentioned, the creditor ſhall not, within nine months after ſuch diſpute or rejection, commence a ſuit for recovery, the ſaid creditor ſhall be for ever barred. 1798, No. 101, ch. 8, § 18.

Executors and adminiſtrators not bound to avail themſelves of the act of limitation to bar what they ſuppoſe juſt claims, but the ſame ſhall be left to their honeſty and diſcretion. *Ibid.* ch. 9, § 9.

I N D E X.

LIVE STOCK.

A market eſtabliſhed for the ſale of live ſtock in Baltimore. 1793, ch. 59.

A market eſtabliſhed for the ſale of live ſtock at Weſtminſter, in Frederick county. 1794, ch. 9.

LOANS.

A perſon to be appointed by the governor and council to ſolicit loans, and certificates to be iſſued therefor. 1785, ch. 88, § 1.

LOAN-OFFICE.

Commiſſioners of the loan-office may be appointed by the houſe of delegates during their pleaſure. Conſt. 13.

—— In caſe of refuſal, &c. the governor and council to fill the vacancy till the meeting of the aſſembly. *Ibid.*

—— An oath to be taken by ſuch commiſſioners. *Ibid.* 52.

—— Puniſhment for violating ſuch oath. *Ibid.* 53.

See PAPER MONEY.

LOCATION.

In what manner the adjudication of the commiſſioners ſhall be evidence of the location of lands. 1786, ch. 33, § 5.

See BOUNDING LANDS. EVIDENCE. LIMITATION of ACTIONS.

LOT.

Caſes in which the election of ſenators is to be determined by lot. Conſt. 16.

—— Same as to the governor. *Ibid.* 25.

—— Same as to members of the council. *Ibid.* 26.

The governor and council to determine by lot between candidates for electors of the preſident and vice-preſident who may have an equal number of votes. 1795, ch. 73, § 7.

Manner of determining by lot as to the officers of the corporation of the city of Baltimore. 1796, ch. 68, § 7.

If the judges of courts ſhould not agree on the judges of elections, the appointment ſhall be made by them by lot. 1799, ch. 50, § 4.

LOTTERIES.

A lottery authoriſed in Baltimore for cleaning the harbour and baſon, and paving the ſtreets. 1791, ch. 59, § 5, 6, 7.

—— No perſons within the town, except the commiſſioners for that purpoſe, ſhall inſtitute any lottery, under the penalty of £. 500 0 0. *Ibid.* § 8.

No perſon or corporation in the ſtate ſhall, without the permiſſion of the legiſlature, propoſe to the public any ſcheme of a lottery to be drawn within the ſtate, or for the diſpoſal of property therein, under the penalty of £. 500 0 0. November, 1792, ch. 58, § 1.

—— The penalty to be recovered by indictment in the general or county courts. *Ibid.*

—— Perſons ſelling, or offering for ſale within the ſtate, tickets in any lottery not authoriſed by the legiſlature or by congreſs, ſhall forfeit for every ticket £. 10 0 0, to be recovered in the ſame manner. *Ibid.* § 2.

—— The act to commence on the firſt of June, 1793. *Ibid.* § 5.

—— Not to affect lotteries then propoſed and publiſhed, or which might be ſo before the commencement of the act. *Ibid.* § 3.

—— Not to repeal or affect the power given by the act of 1791, ch. 59, reſpecting the paving the ſtreets of Baltimore. *Ibid.* § 4.

Certain perſons therein mentioned authoriſed to propoſe ſchemes of two annual lotteries, towards the opening and completing the canal in the city of Waſhington. 1795, ch. 47.

LOTTERIES.

A lottery authoriſed for raiſing money to be applied tow the opening the navigation of the bed of the river Suſquehan *Ibid.* ch. 63, § 4, 5.

A lottery authoriſed in *Havre-de-Grace* for erecting two lic wharfs. *Ibid.* ch. 72.

The veſtry of Chriſt church pariſh, in Calvert county, au riſed to propoſe a ſcheme of a lottery to raiſe money for fini their pariſh church, and erecting buildings on the land th mentioned. 1796, ch. 14, § 5.

—— The ſum for theſe purpoſes not to exceed 1000 do *Ibid.*

A lottery authoriſed in George-town to enable the pe therein mentioned to raiſe money to diſcharge their engagem on account of the market-houſe. *Ibid.* ch. 52.

A lottery authoriſed to improve the poſt-road leading th Allegany county. 1797, ch. 14.

A lottery authoriſed to raiſe a ſum of money to clear ou creek leading to and from Upper-Marlborough and Queen-A in Prince-George's county. 1798, ch. 67.

The former veſtry of Saint-Paul's pariſh, in Queen-A and Talbot counties, empowered to propoſe a lottery for ra money to reimburſe their expenditures in building the church repairing the chapel. *Ibid.* ch. 69.

L. S. D.

Tables for the purpoſe of gaming prohibited. 1797, ch.

LUNATICS.

Money to be paid by the ſtate towards the erection of an pital in or near the city of Baltimore for the reception o perſons and lunatics. 1797, ch. 102.

The chancellor, on the application of a truſtee, may any lunatic to be ſent to ſome hoſpital or receptacle in Phi phia, if he can be received, to remain till further orders. ch. 114, § 7.

For other matters, ſee IDIOTS. INFANTS. INQUISIT

MAGISTRATES.

SEE JUSTICES of the PEACE.

MAINTENANCE.

Maintenance or education, or money given without a vi a portion or ſettlement in life, ſhall not be deemed advance 1798, No. 101, ch. 11, § 6.

The orphans courts to aſcertain, at diſcretion, the ſum annually expended in the maintenance and education of or regard being had to their ſituation, &c. *Ibid.* ch. 12, § 1

—— They may allow the guardian to exceed the incom make uſe of the principal, or ſell a part thereof. *Ibid.*

—— But no part of the real eſtate ſhall, on ſuch accou diminiſhed, without the approbation of the chancery or g court, as well as the orphans court. *Ibid.*

MAJORITY.

The age of eighteen to be conſidered as the age of ma for the purpoſes therein mentioned. 1798, No. 101, § 20.

MALES.

Males, (as entitled to adminiſtration,) ſhall be prefer females in equal degree. 1798, No. 101, ch. 5, § 15.

When a male party is herein mentioned, the rule ſhall to a female, unleſs otherwiſe expreſsly provided. *Ibid.* § 10.

I N D E X.

MANORS.

ee LAND and LAND-OFFICE.

MANUFACTURERS.

he working tools of mechanics and manufacturers, actually conſtantly employed in their reſpective occupations, and all e made manufactures in their hands, not to be valued or geable with the public aſſeſſment. 1797, ch. 89, § 1.

MANUMISSION.

rovision made for manumitting ſlaves by will. 1796, 67, § 13.

— By writing. *Ibid.* § 29.

— A copy from the record thereof evidence of freedom. § 31.

MARINE SOCIETY.

he charitable marine ſociety of Baltimore incorporated. 6, ch. 2, § 2.

MARINERS.

all not be commiſſioners of the tax or aſſeſſors. 1797, 89, § 2.

— When ſubject to martial law. Decl. 29.

MARINES.

When ſubject to martial law. Decl. 29.

MARKETS.

cts for the eſtabliſhment and regulation of markets in er-town, Kent county. 1784, ch. 2, 1789, ch. 19, No- er, 1792, ch. 40, 1793, ch. 22, 1796, ch. 50, 1798, 1, ch. 91.

cts for the eſtabliſhment of markets, building market-houſes, gulating the ſaid markets, in Baltimore-town. 1784, , 1785, ch. 33, May, 1788, ch. 17.

cts for the eſtabliſhment and regulation of a market at n, in Cæcil county. April, 1787, ch. 31, November, 4, ch. 43, 1793, ch. 42, 1796, ch. 31.

cts for the eſtabliſhment and regulation of a market in erick-town, in Frederick county. November, 1770, ch. 4, 5, ch. 54, November, 1792, ch. 42, 1795, ch. 7.

cts for the eſtabliſhment and regulation of a market in abeth-town, in Waſhington county. April, 1783, ch. 11, 4, ch. 24, 1793, ch. 9.

market for the ſale of live ſtock eſtabliſhed in Baltimore. 8, ch. 59.

— In Weſtminſter-town, in Frederick county. 1794, ch. 9.

market-houſe to be erected in Charles-town, Charles county. 4, ch. 41.

n act to build and regulate a market at Bentz-town. 1795, 14.

n act to eſtabliſh and regulate the market-houſe in the town umberland, in Allegany county. *Ibid.* ch. 18.

egulations reſpecting the market in Centre-Ville, in Queen- e's county. 1796, ch. 18.

cts for the eſtabliſhment and regulation of a market at ge-town, in Kent county. 1797, ch. 28, 1798, ch. 36.

MARRIAGE.

he ſtatute of 1 James I. againſt bigamy, declared to be in in this ſtate. 1706, ch. 8, § 1.

nalty on miniſters, or other authoriſed perſons, joining in ge any negro or mulatto ſlave with any white perſon. 4, ch. 44, § 24.

the mother of a baſtard child be able to prove that the er, being a ſingle perſon, and a free man, did, before the begetting of ſuch child, promiſe her marriage, he ſhall be at his choice to perform his promiſe, or to recompence her abuſe as the court ſhall adjudge. *Ibid.* § 29.

Penalty on free negroes or mulattoes intermarrying with white perſons. 1717, ch. 13, § 5.

Directions to the members of the proteſtant church in making publication of their intent to marry. *Ibid.* ch. 15, § 1, 5.

—— Fees allowed to miniſters for marrying perſons at the pariſh church, or at their own houſes, after publication. *Ibid.* § 4.

Marriages with any perſon related within any of the degrees of kindred or affinity expreſſed in the table therein mentioned, ſhall be void. February, 1777, ch. 12, § 1.

—— Parts of the acts relating to certain degrees repealed, and all former marriages between perſons related within any of the degrees mentioned in the repealing acts confirmed and made valid from the time of celebration. 1785, ch. 33, 1790, ch. 20.

—— All penalties, &c. incurred by ſuch marriages releaſed and diſcharged. *Ibid.*

—— No penalties hereafter to be incurred in conſequence of ſuch marriages, but the ſame declared valid in law. *Ibid.*

Perſons marrying within the degrees of conſanguinity therein mentioned to forfeit £. 500, or be baniſhed this ſtate for ever. February, 1777, ch. 12, § 2.

Perſons marrying within any other of the degrees of kindred, or within any of the degrees of affinity, expreſſed in the ſaid table, ſhall forfeit £. 200. February, 1777, ch. 12, § 2, 1785, ch. 33, 1790, ch. 20.

The rites of marriage between white perſons to be celebrated only by miniſters or prieſts ordained, or in the uſual manner by quakers, under the penalty of £. 500. February, 1777, ch. 12, § 3.

Miniſters who knowingly celebrate the rites of marriage between any perſons prohibited by the aforeſaid table ſhall forfeit £. 500, and they are enjoined to make diligent inquiry to avoid the ſame. *Ibid.* § 4.

No perſon in the ſtate ſhall marry without ſuch licence as is directed by law, or before the names are thrice publiſhed in ſome church, &c. or, (if a quaker,) before publication in the uſual manner, under the penalty of £. 500. *Ibid.* § 5.

—— Miniſters marrying any perſon without ſuch licence or publication ſhall forfeit £. 500. *Ibid.*

—— Miniſters going out of their county, or out of the ſtate, and marrying perſons belonging to the ſtate without ſuch licence or publication, ſhall forfeit £. 500. *Ibid.*

—— Perſons belonging to this ſtate marrying with others belonging thereto out of the ſtate, ſhall be liable to the ſame puniſhment or penalty as if the offence was committed in the ſtate. *Ibid.* § 6.

Every Chriſtian church, meeting-houſe, chapel, or other houſe of religious worſhip, ſhall be recorded in the records of the county, and ſhall not otherwiſe be deemed ſuch for publication of marriage. *Ibid.* § 7.

Every miniſter marrying by licence ſhall annually, in November, return on oath a liſt of the names and the time when married, to the treaſurer of his ſhore, under the penalty of £. 200. *Ibid.* § 8.

Miniſters marrying any male under twenty-one, or any female under ſixteen, and not before married, without the conſent of the parent or guardian, ſhall forfeit £. 500. *Ibid.* § 9.

Where there is no miniſter in a pariſh, the reader or clerk may publiſh the bands of matrimony. *Ibid.* § 10.

Miniſters wilfully publiſhing the bands between ſervants, or between a free perſon and a ſervant, or marrying any ſuch without the maſter's leave, ſhall forfeit £. 50. *Ibid.* § 11.

I N D E X.

MARRIAGE.

The governor and council directed to have marriage licences printed in the form prescribed by the act of February, 1777, ch. 12, and delivered to the treasurers, and by them to the county clerks, after countersigning, to be filled up and granted to the persons applying, under the seals of such clerks, who shall forfeit 50 dollars on issuing any licence contrary to this act, and 100 dollars for refusing or neglecting to apply for such licences. 1797, ch. 38, § 1, 2, 4.

—— The form of the licences prescribed. February, 1777, ch. 12, § 12.

—— The clerks to return, on or before the first of May, 1799, and annually thereafter, to the treasurers, a list of licences granted by them, and to pay 25*s.* for every blank licence delivered, and not returned to the said treasurers. 1797, ch. 38, § 3.

—— On refusal or neglect to make such returns, the treasurers may charge such clerks with the whole amount of blank licences delivered, at 25*s.* and prosecute a suit therefor, declaring for money had and received, to be tried the first term, or continued at the discretion of the court. *Ibid.* § 5.

—— The governor and council to keep the treasurers supplied with blank licences. *Ibid.* § 6.

—— The clerks to account with the treasurers for licences granted before May, 1798. *Ibid.* § 7.

—— The sum of 30*s.* to be paid to the clerks on granting licence, 5*s.* whereof they may retain. February, 1777, ch. 12, § 13.

The chancellor may determine all causes for alimony as fully as the ecclesiastical courts in England. *Ibid.* § 14.

The general court may determine the validity of any marriage, and may declare those contrary to the table aforesaid, or any second marriage, (the first subsisting,) null and void. *Ibid.* § 15.

On appeal, the depositions, &c. shall be transmitted, with the record, to the court of appeals, and such cause shall be determined, &c. *de novo*. *Ibid.*

If any man shall have one or more children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be legitimated, and capable in law to inherit and transmit inheritance as if born in wedlock. 1786, ch. 45, § 7.

All marriages of free persons in a parish by any protestant minister, made known to the parish register, shall be entered by him in a book provided for the purpose. 1798, ch. 24, § 19.

—— The ministers directed to acquaint the registers therewith. *Ibid.*

—— If celebrated in any other parish, they shall acquaint the minister or a vestryman thereof. *Ibid.* § 20.

—— Penalty on ministers, &c. failing in the duties assigned them. *Ibid.* § 21.

The registers of the parish to have the custody of all the registers of marriages, &c. to be shewn to any persons reasonably desiring the same. *Ibid.* § 22.

—— To give a certificate thereof, which, when signed by them, and under the common seal of the vestry, shall be evidence. *Ibid.*

Guardians to female orphans to be appointed until the age of sixteen or marriage. *Ibid.* No. 101, ch. 12, § 1.

MARSHES.

Provision made for reclaiming a marsh adjoining Baltimore-town. November, 1766, ch. 22, 1768, ch. 22, September, 1770, ch. 7.

—— For draining the Long Marsh in Queen-Anne's and Caroline counties. 1789, ch. 15.

MARTIAL LAW.

No person, except regular soldiers, mariners and marine the service of this state, or militia when in actual se ought in any case to be subject to or punishable by martial Decl. 29.

MASTERS.

Manner of determining disputes between masters and ser 1715, ch. 44, § 30, 31, 1796, ch. 67, § 21.

Disputes between masters and apprentices to be determin the county or criminal courts. 1793, ch. 45.

MASTERS OF SHIPS.

Penalty on their suffering servants or slaves to frequen ships, or on their keeping or concealing them. 1753, § 3, 4.

MAYOR.

New warrants for the election of delegates for the Baltimore, when necessary to be issued, shall go to the 1799, ch. 50, § 10.

MECHANICS.

See MANUFACTURERS.

MEDICAL SOCIETY.

The persons therein mentioned incorporated, by the n "The Medical and Chirurgical Faculty of the State of land," 1798, ch. 105, § 2.

Empowered to hold and dispose of real, personal and estate, not to exceed in total value 10,000 dollars *per Ibid.*

Directions for meeting, appointing a president, &c. and a common seal. *Ibid.* § 3.

The society empowered to elect members. *Ibid.*

Persons elected members to pay a sum not exceeding lars. *Ibid.* § 7.

Empowered to elect twelve persons, to be styled "T dical Board of Examiners for the State of Maryland." § 4.

Five members for the western, or three for the eastern to constitute a board. *Ibid.* § 5.

Mode of attesting the certificates granted by them.

Any one of the said examiners may grant a licence to till a board can be held. *Ibid.*

After the appointment of the board, no person, not al practitioner, shall be allowed to practise medicine or surge receive payment, without a licence, under the penalty dollars. *Ibid.* § 6.

Such fine to be recovered in the county courts by prese or indictment, half to the society and half to the in *Ibid.*

The society empowered to make regulations for their t meeting, mode of electing officers, &c. *Ibid.* § 9.

MENONISTS.

See QUAKERS.

MERCHANDISE.

Not to be valued or chargeable with the public asse 1797, ch. 89, § 1.

MERCHANTS.

Accounts concerning the trade or merchandise betwe chant and merchant, their factors and servants, not within the state, excepted out of the act for limitation ons. 1715, ch. 28, § 2.

METHO

I N D E X.

METHODISTS.

ot to be fined for preaching without taking the oath or af-ation preſcribed by the act for the better ſecurity of the go-ment, (February, 1777, ch. 20,) unleſs by their conduct manifeſted a diſpoſition inimical to the government. No-ber, 1782, ch. 13.

MILITARY.

all caſes, and at all times, the military ought to be under ſubordination to, and control of, the civil power. Decl. 27.

MILITIA.

well regulated militia is the proper and natural defence of e government. Decl. 25.

e governor, by and with the advice and conſent of the il, may embody the militia, and when embodied, ſhall alone the direction thereof, but he ſhall not command in perſon, s adviſed thereto by the council, and then only ſo long as ſhall approve thereof. Conſt. 33.

e governor and council may appoint officers of the militia. 48.

— May ſuſpend any militia officer for one month. *Ibid.*

e governor may remove or ſuſpend any militia officer in pur-e of the judgment of a court-martial. *Ibid.*

field-officer of the militia ſhall be eligible as a ſenator, te, or member of the council. *Ibid.* 45.

itia commiſſions ſhall not be ſigned by the chancellor, or the ſeal of the ſtate annexed. *Ibid.* 57.

ts and their apprentices to be exempt from militia duty. mber, 1787, ch. 26, § 10, 19.

e act of congreſs, entitled, An act more effectually to e for the national defence, by eſtabliſhing an uniform mili-roughout the United States, recited at large. 1793, § 1.

ns to be appointed in each county by the governor and to make liſts of all able bodied white male citizens be-eighteen and forty-five years of age, (except as in the act greſs and therein after excepted,) diſtinguiſhing therein akers, menoniſts, tunkers, and perſons conſcientiouſly ous of bearing arms, and the apprentices and their trades. § 2.

— Allowance to the perſons ſo to be appointed. *Ibid.* § 3.

ſons of the age aforeſaid not giving in their names when ed forfeit 10 dollars. *Ibid.* § 4.

ſons of the age of eighteen or upwards, not ſo informing erſons appointed, and perſons under the age of forty-five ing that they are of that age or upwards, forfeit 10 dol-*Ibid.* § 5.

perſon to be excuſed for inability, unleſs he ſhall obtain the ſurgeon of the regiment, or ſome reputable phyſician neighbourhood, a certificate that he is not of ſufficient to perform militia duty. *Ibid.* § 6.

e liſts aforeſaid directed to be returned to the governor and l within fifteen days after the tenth of April, 1794, un-e penalty of 40 dollars. *Ibid.* § 7.

e governor and council to proceed to appoint the proper agreeable to the proviſions of the act of congreſs before *Ibid.*

y citizen (as above deſcribed,) to be thereupon enrolled militia by the captain or commanding officer of the com-within whoſe bounds he ſhall reſide, under the direction of gadier-general, before the twentieth of June, 1794.

captains, or commanding officers of companies, directed er to enrol every ſuch citizen, and thoſe who ſhould come ſaid age, or to reſide within their bounds, and to notify rolment by a proper non-commiſſioned officer. *Ibid.*

MILITIA.

The governor and council directed, on or before the twentieth of June, 1794, to arrange the militia into diviſions, brigades, regiments, battalions and companies. *Ibid.* § 8.

—— To number each diviſion, brigade and regiment, at the formation, and a record thereof to be made in the adjutant-general's office. *Ibid.*

—— Each brigade to conſiſt of four regiments, each regiment of two battalions, each battalion of five companies, and each company of ſixty-four privates, four ſergeants, four corporals, one drummer, and one fifer or bugler, if the ſame ſhould be convenient. *Ibid.*

One company of grenadiers, light infantry or riflemen, at leaſt, to be formed out of the militia enrolled for each battalion. *Ibid.* § 9.

A company of artillery, and one troop of horſe, to be formed to each diviſion, and officered according to the before recited act of congreſs. *Ibid.*

All commiſſioned officers appointed as aforeſaid, and accepting, directed, on or before the tenth of July, 1794, to arm, accoutre and provide themſelves, in the manner directed by the ſaid recited act of congreſs, under the penalty of 20 dollars. *Ibid.* § 10.

Non-commiſſioned officers and matroſſes in the artillery, and non-commiſſioned officers and dragoons in the companies of horſe, directed, on or before the firſt of Auguſt, 1794, to arm, accoutre and provide themſelves, in like manner, under the penalty of 6 dollars. *Ibid.*

The captains or commanding officers of companies to appoint the non-commiſſioned officers. 1798, ch. 100, § 2.

—— Penalty on their neglecting, after acceptance, to perform the duties, &c. *Ibid.*

All miniſters of the goſpel, regularly ordained or licenſed by any religious ſociety, exempted from militia duty. 1793, ch. 53, § 11.

Officers commiſſioned under this act to take an oath or affirmation, to be true and faithful to the ſtate of Maryland. *Ibid.* § 12.

The ſtate and regimental colours to be provided by the field-officers. *Ibid.* § 13.

—— The drums and fifes, or bugle horns, by the commiſſioned officers of companies, in proportion to the pay they would be entitled to if in actual ſervice. *Ibid.*

—— On neglect to provide them before the firſt of Auguſt, 1794, the officers to forfeit one third of a month's pay. *Ibid.*

—— Part of the money ariſing from fines to be applied to the purchaſe of colours, drums and fifes, and the pay of drummers and fifers. 1798, ch. 100, § 22.

The militia to be exerciſed,

—— In companies on ſome day in the months of April and November,

—— In battalion on ſome day in Auguſt,

—— In regiment on ſome day in October, after the tenth. 1793, ch. 53, § 14.

The captains to appoint the days and places of meeting in companies. *Ibid.*

—— To give notice of every muſter day to the non-commiſſioned officers, who are to give notice to the privates. 1798, ch. 100, § 11.

The brigadier-generals to appoint the days and places of meeting in regiment, battalion and extra battalion. *Ibid.* § 12.

The militia to attend on the days appointed, with their arms and accoutrements in good order. 1793, ch. 53, § 14.

Non-commiſſioned officers or privates who have muſkets or guns, and appear without them, are ſubject to be fined. 1798, ch. 100, § 15.

The

I N D E X.

MILITIA.

The roll to be called, and a return of the abſentees made to the commanding officer preſent, and the perſons ſo abſent, or departing before they are diſcharged, liable to be fined. 1793, ch. 53, § 14.

Penalty on officers and ſoldiers refuſing or neglecting to attend, &c. and manner of collecting the fines. *Ibid.* § 15, 1798, ch. 100, § 1.

Duplicates of returns of fines, and accounts of money paid, to be lodged annually with the treaſurer. 1793, ch. 53, § 16.

The militia on Kent Iſland not compelled to meet in battalion or regiment, but the companies to be called together. *Ibid.* § 17.

The maſters of apprentices, and the fathers or guardians of minors, (not matroſſes or dragoons,) accountable for the fines incurred. *Ibid.* § 19.

Proviſion reſpecting draughts and ſubſtitutes. *Ibid.* § 20.

—— An appeal given to the county courts on the ſeizure of property or execution of the perſon. *Ibid.* § 21.

—— Perſons ſerving as ſubſtitutes not excuſed from ſerving in their turn. *Ibid.* § 23.

Militia men not to leave their companies, unleſs by conſent of the captain, &c. or in caſe of removal, when they ſhall apply for a diſcharge, under the penalty of 10 dollars. *Ibid.* § 22.

No officer or private of the militia ſubject to arreſt for any civil matter in his attendance at, going to, or returning from, muſter. *Ibid.* § 24.

In ſuits under this act, the action to be laid in the county where the cauſe aroſe. *Ibid.* § 25.

—— The defendant may plead the general iſſue, and give this act, &c. in evidence. *Ibid.*

—— On verdict for defendant, or nonſuit, treble coſts allowed. *Ibid.*

Certain companies of artillery, cavalry and infantry, in Baltimore, continued. *Ibid.* § 26.

This act to continue as long as the act of congreſs therein recited. *Ibid.* § 27.

The field-officers of the militia of Allegany county empowered to appoint ſome day or days, not exceeding four days in each year, for the perſons compoſing the militia of the ſaid county to meet and exerciſe, (at ſuch place or places in ſaid county as the field-officers of the ſaid county may deem convenient,) in battalion or companies, as may be moſt expedient, inſtead of the meeting in regiment, as directed by the 14th ſection of the act of 1793, ch. 53. 1797, ch. 3, § 2.

—— The militia of the ſaid county liable to the ſame fines and forfeitures for not attending at ſuch meetings as they would have been in not attending the meetings in regiment or battalions, as eſtabliſhed by law. *Ibid.* § 3.

—— The field-officers of the ſaid county ſhall not direct more than one meeting of each battalion in the ſaid county in any one year. *Ibid.* § 4.

Power of courts-martial in determining on excuſes after fines for non-attendance, or otherwiſe, are incurred. 1798, ch. 100, § 3.

—— The captains or commanders of companies to return ſuch fines to the lieutenant-colonels commanding the regiments, or the commanders of extra battalions. *Ibid.*

—— The lieutenant-colonels or commanding officers directed to place ſuch fines in the liſts to be collected by the ſheriffs. *Ibid.*

Officers removing out of the county, or, (if general officers,) out of the diſtrict, with an intention of making a permanent reſidence, ſhall, on ſuch removal, be deemed to have reſigned their commiſſions. *Ibid.* § 4.

—— The officers commanding regiments or extra battalions to make known any vacancy as ſoon as convenient to the brigadier, or officer commanding the brigade, who is to report ſame to the adjutant-general as ſoon as may be thereafter.

Articles, rules and regulations, by which the militia o ſtate ſhall be governed. *Ibid.* § 5.

Where a militia man is draughted to perform a tour of under the laws of this ſtate, he ſhall be conſidered as a ſo and liable to all the duties as ſuch, unleſs he ſhall furniſh a ſtitute. *Ibid.* § 6.

—— The lieutenant-colonels of regiments, or command the extra battalions, ſhall be the ſole judges of the qualifi of ſuch ſubſtitutes, and may receive or reject them at thei cretion. *Ibid.*

—— If ſuch ſubſtitutes ſhould be rejected, the lieute colonel to furniſh them as preſcribed by the act of 1793, c ſaving the right of appeal given by that act. *Ibid.*

Perſons conſcientiouſly ſcrupulous of bearing arms, and refuſe to do militia duty under this law, ſhall be liable t three dollars annually, to be recovered and applied by the tenant-colonel as other militia fines by this law are. § 7.

Where there are extra battalions, the commanding o thereof ſhall have the ſame powers as the lieutenant-co commanding regiments. *Ibid.* § 8.

—— The ſaid officers ſhall, on the days of battalion mee have the ſame power as the commandants of regiments, pointing courts-martial, and regulating the ſame. *Ibid.*

If any by-ſtander ſhall interrupt, moleſt or inſult, any or ſoldier while on duty at muſter, or ſhall be guilty of lik duct before any court-martial, the commanding officer, court, may cauſe him to be confined for the day, *Ibid.*

Proviſion made for calling out the militia in caſe of a invaſion or inſurrection. *Ibid.* § 10, 35.

Directions for the brigade inſpectors to attend the meeti regiment and battalion. *Ibid.* § 12.

—— To attend the brigadier-general when required, receive and execute orders, &c. *Ibid.* § 13.

The adjutant of each regiment to attend and execut orders of the commanding officers of the regiments or battalions. *Ibid.* § 14.

The company in Waſhington county, then under the dir of captain Johnſon, near Hancock-town, to be exempt fr erciſing in battalion or regiment, as directed by this law. § 16.

Directions reſpecting the militia of Allegany county. § 17, 18, 19.

Proviſion made for the collection and payment of fines. § 5, 20, 21, 22.

There ſhall be one complete company of infantry annex each regiment, to be furniſhed with arms and accoutreme the expence of the ſtate, ſo far as the ſtate may be in po of them. *Ibid.* § 23.

—— Manner of forming the ſaid companies from th ments or extra battalions, and the ages of the men pre *Ibid.* § 23, 24, 25, 26.

Directions to the officers to note the ages of perſons en and to give information thereof to the lieutenant-colonel. § 27.

The governor and council directed, within four mon deliver to each lieutenant-colonel ſeventy-two muſkets, b and cartridge boxes, if in poſſeſſion of the ſtate, to be de to the captains or commanding officers of the ſelect com to be diſtributed to the privates and non-commiſſioned o *Ibid.* § 28.

The lieutenant-colonels directed to take from the commi officers of the ſelect companies bonds for the redelivery ſaid arms. *Ibid.* § 29.

I N D E X.

MILITIA.

— A refuſal to give ſuch bond ſhall be deemed a reſigna- of the command, and the governor and council ſhall appoint ers. *Ibid.*

enalty on privates and non-commiſſioned officers uſing ſuch ets in hunting, &c. *Ibid.* § 30.

— On their refuſing to deliver them to the commanding ers. *Ibid.*

— The company courts-martial directed to inquire into and ish ſuch delinquencies. *Ibid.*

he governor and council ſhall ſelect, appoint and commiſſion, the militia officers of each regiment, one captain, one lieu- nt and one enſign, to command the ſelect company. *Ibid.* 1.

— Not confined to the light infantry companies as then ex- for ſelecting the officers. *Ibid.* § 33.

— Manner of ſupplying the vacancies occaſioned by ſuch intments. *Ibid.*

he ſelect companies ſhall meet at every regimental and bat- meeting, and on ſome day in the ſame months in which companies are ordered to meet, and ſhall in all reſpects be ſubject to the ſame fines to which the general militia are ſubject. § 32.

— Each of the ſaid companies ſhall be conſidered as the infantry. *Ibid.* § 33.

he ſelect companies of infantry, or ſuch and ſo many of them commander in chief of the militia of this ſtate ſhall think fit, may at any time by him be ordered into ſervice with- ny draught made, and when called into ſervice ſhall be ſub- to the rules and regulations of the articles of war, and in actual ſervice ſhall be entitled to the ſame pay and ra- as troops in the ſervice of the United States. *Ibid.* § 34.

— In caſe of inſurrection within, or invaſion of, any part ſtate, the ſaid troops, or any of them, may be ordered vice by the brigadier-general, or major-general of the diſ- which ſaid troop is raiſed, but no militia officer, except mmander in chief, ſhall order out any part of the militia preſs any inſurrection within the ſtate, unleſs required ſo by three juſtices of the peace in writing, under their hands eals, and it ſhall be the duty of the commanding officer ſaid to communicate to the commander in chief as ſoon as e information reſpecting the ſaid inſurrection or invaſion. § 35.

es which may be impoſed on the militia, viz.

— On perſons qualified to ſerve in the militia refuſing, called on, to give in their names, 10 dollars. 1793, 3, § 4.

— On ſuch perſons giving a falſe account of their ages, llars. *Ibid.* § 5.

— On commiſſioned officers accepting their appointments ot arming, accoutring, &c. as directed by the act of con- 20 dollars. *Ibid.* § 10.

— On non-commiſſioned officers and matroſſes in the artil- and non-commiſſioned officers and dragoons in the cavalry, rming, &c. 6 dollars. *Ibid.*

— On militia-men leaving their companies and joining unleſs by conſent of the captains, &c. or in caſe of re- l, 10 dollars. *Ibid.* § 22.

— On officers refuſing to give militia-men certificates of rge on their removal, 10 dollars. *Ibid.*

— On officers refuſing to give to militia-men certificates of me of their being in actual ſervice, 10 dollars. *Ibid.*

— On officers not attending and doing their duty on the of muſter, not leſs than 5 dollars, or more than 50 dollars. ch. 100, § 1.

— On ſoldiers not attending, &c. not leſs than 75 cents, ore than 5 dollars. *Ibid.*

MILITIA.

—— On perſons appointed non-commiſſioned officers accept- ing, and neglecting their duties, not exceeding 10 dollars. *Ibid.* § 2.

—— On captains or officers commanding companies neglect- ing to make returns of fines to the lieutenant-colonels, 10 dol- lars. *Ibid.* § 3.

—— On field or other commiſſioned officers miſbehaving at any meeting, not exceeding 50 dollars, nor leſs than 5 dollars. *Ibid.* § 5.

—— On non-commiſſioned officers or privates appearing drunk, diſobeying orders, &c. not exceeding 20 dollars, nor leſs than 75 cents. *Ibid.*

—— On the lieutenant-colonel or commanding officer of any regiment, battalion or extra battalion, neglecting or refuſing to give orders for aſſembling his regiment, &c. as therein mention- ed, not exceeding 200 dollars, nor leſs than 20 dollars. *Ibid.*

—— On the commanders of companies neglecting or refuſing to give orders for aſſembling as therein mentioned, not exceed- ing 100 dollars, nor leſs than 10 dollars. *Ibid.*

—— On non-commiſſioned officers in ſuch caſes, not exceed- ing 20 dollars, nor leſs than 5 dollars. *Ibid.*

—— On captains or commanding officers of companies re- fuſing or neglecting to make liſts of the perſons noticed to per- form any tour of duty, and to ſend or convey the ſame to the lieutenant-colonel or commanding officer, not exceeding 100 dollars, nor leſs than 10 dollars. *Ibid.*

—— On witneſſes refuſing to attend and give evidence before a court-martial, not exceeding 20 dollars, nor leſs than 75 cents. *Ibid.*

—— On brigade inſpectors neglecting to attend on the days appointed by the brigadier-general, not exceeding 30 dollars, nor leſs than 10 dollars. *Ibid.* § 12.

—— On their refuſing or neglecting to attend the brigadier- general when required, &c. not exceeding 30 dollars, nor leſs than 10 dollars. *Ibid.* § 13.

—— On the adjutants of regiments refuſing or neglecting to attend and execute the orders of the commanding officers of re- giments or extra battalions, not exceeding 15 dollars, nor leſs than 5 dollars. *Ibid.* § 14.

—— On non-commiſſioned officers or privates having muſkets or guns, and appearing in the ranks or during exerciſe without them, not exceeding 4 dollars, nor leſs than 50 cents. *Ibid.* § 15.

—— On perſons when called on by the captains or command- ing officers of companies wilfully concealing their ages, not ex- ceeding 5 dollars. *Ibid.* § 26.

—— On any private or non-commiſſioned officer, to whom a muſket is delivered in purſuance of this act, uſing the ſame in hunting, &c. or not keeping his arms in good order, not leſs than 1 dollar, nor more than 10 dollars. *Ibid.* § 30.

—— On their refuſing to deliver the ſame to the command- ing officer on leaving the company, 20 dollars. *Ibid.*

The governor and council authoriſed to remit the whole or any part of any fine by a militia court-martial, provided the caſe and reaſons for remiſſion be ſtated, and ſigned by the perſons grant- ing the ſame. April, 1782, ch. 42, § 5.

MILLS.

Perſons owning or belonging to water mills taking toll above one ſixth part of Indian corn, or one eighth part of wheat, to forfeit 1000 lbs. of tobacco, half to the ſtate, and half to the informer, to be recovered by action of debt, &c. 1704, ch. 16, § 6.

Duty of the owners of mills where the public roads croſs. 1753, ch. 16, 1756, ch. 12.

See ROADS.

MINISTERS.

Every gift, ſale or deviſe of lands, to any miniſter as ſuch, and every deviſe of goods or chattels to or for the ſupport of any miniſter as ſuch, declared void, without the leave of the legiſlature. Decl. 34.

No miniſter of the goſpel, or preacher of any denomination, ſhall have a ſeat in the general aſſembly or in the council of the ſtate. Conſt. 37.

Miniſters of the goſpel, regularly ordained or licenſed by any religious ſociety, exempted from militia duty. 1793, ch. 53, § 11.

Clergymen ſhall not be commiſſioners of the tax or aſſeſſors. 1797, ch. 89, § 2.

The rector of each pariſh to preſide in the veſtry. 1798, ch. 24, § 8.

—— To have (unleſs the contract's otherwiſe,) the poſſeſſion and uſe of the glebe-lands and other property belonging to the pariſh, while he officiates therein. *Ibid.*

—— On committing waſte he ſhall pay treble damages, which may be recovered by the veſtry. *Ibid.* § 10.

The veſtry empowered to chooſe one or more miniſters or readers of the proteſtant epiſcopal church to officiate as long as ſuch veſtry may think proper, and to contract with them for their ſalaries, the uſe of the glebe, &c. *Ibid.* § 15.

—— Empowered to take in ſubſcription for ſuch miniſter or reader. *Ibid.* § 17.

—— The principal of the money ariſing from ſales of church property not to be applied towards the payment of the miniſter. *Ibid.* § 30.

Directions as to the titles and precedency of the miniſters. *Ibid.* § 16.

The miniſters to take care that the regiſters be made acquainted with all baptiſms, marriages and funerals, celebrated by them in their pariſhes. *Ibid.* § 19.

—— On their being celebrated by them in any other pariſh, they ſhall acquaint the miniſter or a veſtryman thereof. *Ibid.* § 20.

—— On failure of the duties herein aſſigned they ſhall forfeit 8 dollars. *Ibid.* § 21.

Power of the miniſters in calling ſpecial meetings of the veſtry. *Ibid.* § 24.

The miniſter ſhall be one of the five of the veſtry whoſe conſent is neceſſary for any ſale of property belonging to the church. *Ibid.* § 29.

MINISTRY.

No perſon ought to be compelled to frequent or maintain, or contribute, unleſs on contract, to maintain, any particular place of worſhip, or any particular miniſtry. Decl. 33.

MINORS.

See INFANTS.

MINORITY.

Directions reſpecting the granting of letters of adminiſtration during the minority of executors. 1798, No. 101, ch. 3, § 20.

MISDEMEANOR.

The houſe of delegates may expel any member for a great miſdemeanor, but not a ſecond time for the ſame cauſe. Conſt. 10.

MONEY.

Foreign gold and ſilver coin to paſs current in this ſtate at the rates therein expreſſed. November, 1781, ch. 16, § 1.

—— To be ſo adjudged in all courts, and received in payment of debts, contracts, &c. except where appraiſements, &c. were made in dollars at ſix ſhillings. *Ibid.*

MONEY.

—— All judgments, decrees and appraiſements, and all ties, fines and forfeitures, ſhall be rendered or made in c money, at the rate aforeſaid. *Ibid.* § 2.

—— All former mortgages, judgments, contracts, & ſterling money, may be diſcharged in any gold or ſilve above mentioned at the rate of £. 166 13 4 current mon every £. 100 0 0 ſterling. *Ibid.*

—— Not to affect the act of October, 1780, ch. 5, re ing bills of credit. *Ibid.* § 3.

Ready money not to be valued or chargeable with the aſſeſſment. 1797, ch. 89, § 1.

The eſtates of deceaſed perſons to be appraiſed in dolla cents. 1798, No. 101, ch. 6, § 2, 4.

Executors and adminiſtrators to return an inventory money belonging to the deceaſed. *Ibid.* § 8.

—— Collectors to return an inventory of the money b ing to the deceaſed collected by them. *Ibid.* § 9.

Directions reſpecting judgments, decrees, &c. of the courts, for the payment of money. *Ibid.* ch. 15, § 20.

The ſtate's agent to pay into the treaſury in ſpecie the a of all ſpecie received by him under this act. 1799, c § 16.

—— To render to the treaſurer of the weſtern ſhore quarterly accounts of his receipts of money, and to pay th to the treaſurer. *Ibid.* § 19.

MONEY BILLS.

To be originated by the houſe of delegates. Conſt. 10

—— Definition of money bills. *Ibid.* § 11.

MONOPOLIES.

Monopolies are odious, contrary to the ſpirit of a free g ment and the principles of commerce, and ought not to fered. Decl. 39.

* MONTGOMERY COUNTY.

George-town, (then in Frederick county,) erected, and lations reſpecting the ſame. May, 1751, ch. 25.

—— George-town incorporated, &c. 1789, ch. 23, ch. 56, 1799, ch. 58.

See GEORGE-TOWN.

Relief given to Simon Nicholls, late collector, and hi rities. 1786, ch. 48.

—— To the ſecurities of John Hayman Nichols. N ber, 1787, ch. 15.

An act for the relief of the poor in Montgomery and H county. *Ibid.* ch. 16.

William Robertſon, collector of the ſinking fund tax t allowed till the firſt of April, 1790, to complete his coll 1789, ch. 4.

An act to ſtreighten and amend the ſeveral public roads in mentioned. 1790, ch. 32.

The levy court empowered to levy money for the ſup the children of John Ferrel. 1794, ch. 22.

The clerks, ſheriffs and regiſters of wills, obliged to ho offices and attend at the court-houſe, or within a quart mile, every day, Sundays excepted. *Ibid.* ch. 25.

Solomon Holland, late ſheriff, empowered to collect lances due to him. 1795, ch. 38.

The levy court empowered to aſſeſs and levy money ſupport of Mary Higden. *Ibid.* ch. 79.

—— To levy annually a ſum of money for the ſup Hannah Carter. 1796, ch. 28.

* Montgomery county was erected, together with Waſhington by the diviſion of Frederick county, by reſolves of the conven the 6th of September, 1776.

Commi

MONTGOMERY COUNTY.
ommiſſioners appointed, and money to be aſſeſſed and levied, the purpoſe of building a gaol. 1797, ch. 21, 1799, ch. 19.
n act for the deſtruction of wolves and crows. 1797, ch. 22.
he levy court empowered to aſſeſs and levy money annually the ſupport of Jemima Thompſon. *Ibid.* ch. 32.
— For the ſupport of Caſſandra Thompſon. 1798, ch. 7.
— For the ſupport of Catharine Lenham. *Ibid.* ch. 50.
— For the ſupport of Joſeph Crown. *Ibid.* ch. 54.
— For the ſupport of Ruth Glaze. 1799, ch. 8.
— For the ſupport of Michael O'Daniel. *Ibid.* ch. 20.
he average value of land eſtabliſhed in Montgomery county 9 per acre. 1785, ch. 53, § 2.
aſhington, Frederick, Montgomery and Allegany counties, the fifth diſtrict for holding county courts. 1796, ch. 43,
— Montgomery county court to be held on the firſt Mon- in March and November. *Ibid.* § 3.
ontgomery county, and that part of Frederick county adja- as far as Monocacy, from the mouth thereof to the Penn- ia line, form the third diſtrict for the election of repreſen- s in congreſs. 1791, ch. 62, § 1, 2.
nce-George's and Montgomery counties form the ſecond t for appointing electors to chooſe the preſident and vice- ent. 1795, ch. 73, § 1.
ontgomery county to be laid off into five ſeparate diſtricts olding elections. 1798, ch. 115, confirmed by 1799, 8.
— Commiſſioners appointed to lay off the ſaid diſtricts, and the place of holding the elections in each. 1799, ch. 50,

MORTAL STROKE.
HOMICIDE.

MORTGAGE.
he loan of money by a foreigner to a citizen of this ſtate al intereſt, any mortgage made to ſecure the ſame, and wledged and recorded as the law directs, ſhall be good and and ſtand as a ſecurity according to its purport; and al- there ſhould be no covenant or expreſs agreement for the nt of ſuch money, the mortgagor, his heirs, &c. ſhall be to pay as if ſuch expreſs covenant was inſerted. 1784, , § 2.
— The court of chancery to foreclоſe ſuch mortgage, &c. er to compel the payment. *Ibid.* § 3.
— The legiſlature not to interfere. *Ibid.*
nner of decreeing a foreclоſure or ſale of mortgaged pro- poſſeſſed by perſons under age, idiots, lunatics, or *non mentis*. 1785, ch. 72, § 1, 3, 9, 30.
ceedings in chancery, where a mortgagor, his heirs, &c. e a Britiſh ſubject, and the perſon having the right a citi- *Ibid.* § 29.
— Where a mortgagor of real property within this ſtate to en thereof ſhall reſide out of the ſtate and within the d States. *Ibid.* § 30.
— When a mortgagor has removed, and his ſituation, or his repreſentatives, cannot be aſcertained. 1794, ch. 60,

MOTHER.
here be neither widow nor child, nor grand-child nor fa- rothers and ſiſters ſhall, (as to the right of adminiſtration,) erred, and next to brothers and ſiſters the mother ſhall be ed, 1798, No. 101, ch. 5, § 13.
here be a widow and no child or deſcendants of the inteſ- but the ſaid inteſtate ſhall leave a father or mother, or

MOTHER.
brother or ſiſter, or child of a brother or ſiſter, the widow ſhall have one half of the ſurplus of the perſonal eſtate. *Ibid.* ch. 11, § 3.
If the inteſtate leave a mother, and no child, deſcendant, father, brother, ſiſter or child, or deſcendant of a brother or ſiſter, the mother ſhall be entitled to the whole, and in caſe there be no father, a mother ſhall have an equal ſhare with the brothers and ſiſters of the deceaſed, and their children and deſcendants. *Ibid.* § 10.

MOUNTAINS.
Perſons ſetting on fire the Catoctin, South or North Mountains, ſo as to injure the young timber, or endanger the farms on or adjacent to ſuch mountains, forfeit £. 50. November, 1792, ch. 49.
—— Such fine to be recovered by indictment or action of debt, half to the perſon proſecuting and half to the county. *Ibid.*
—— Not to extend to perſons ſetting fire to their own lands, if not communicated therefrom. *Ibid.*

MURDER.
There ought to be no forfeiture of any part of the eſtate of any perſon for any crime, except murder or treaſon againſt the ſtate, and then only on conviction and attainder. Decl. 24.

NANTICOKE INDIANS.
SEE INDIAN LANDS.

NATURALIZATION.
See FOREIGNERS.

NAVY.
No perſon receiving the profits, or any part of the profits, ariſing on any agency for the ſupply of cloathing or proviſions for the army or navy, or employed in the marine ſervice of this or the United States, ſhall have a ſeat in the general aſſembly or the council of this ſtate. Conſt. 37.

NEGROES AND SLAVES.
Penalty on perſons tranſporting or ſecretly carrying away any ſlave. 1715, ch. 19, § 5.
All negroes and other ſlaves then imported, or thereafter to be imported, and their children then born, or thereafter to be born, to be ſlaves for life. *Ibid.* ch. 44, § 22.
—— No negro manumitted or entitled to freedom by being baptized. *Ibid.* § 23.
Penalty on joining in marriage a negro or mulatto ſlave with a white perſon. *Ibid.* § 24.
—— A free negro or mulatto intermarrying with a white perſon ſhall become a ſlave for life, except a mulatto born of a white woman, who ſhall become a ſervant for ſeven years. 1717, ch. 13, § 5.
—— To be diſpoſed of by the county courts for the uſe of the county ſchools. *Ibid.*
A white woman ſuffering herſelf to be got with child by a negro or other ſlave, or free negro, ſhall become a ſervant for ſeven years. 1715, ch. 44, § 25.
—— If a ſervant, ſhe ſhall finiſh her ſervitude, together with ſatisfaction for damages, and ſhall again become a ſervant for ſeven years. *Ibid.*
—— Any free negro begetting ſuch child ſhall become a ſervant for ſeven years. *Ibid.* § 26.
—— White men begetting any negro woman with child, (whether free or ſervants,) ſhall undergo the ſame penalties as white women. *Ibid.* § 27.

—— Th

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—— The times of ſervitude to be diſpoſed of by the county court for the uſe of the county. *Ibid.*

—— Free mulatto women having baſtard children, and free negro women having baſtard children, by white men, are ſubject to the ſame penalties as white women for having mulatto baſtards. 1728, ch. 4, § 2, 3.

Penalty on perſons harbouring or entertaining ſlaves unlawfully abſenting themſelves. 1715, ch. 44, § 4, 5, 1748, ch. 19, § 2, 3, 4.

No perſon ſhall deal with a ſlave without leave from the maſter, &c. under the penalty of 2000 lbs. tobacco, one half to the ſtate and the other to the owner. 1715, ch. 44, § 11.

—— If the goods ſo dealt for exceed 1000 lbs. of tobacco in value, the owner ſhall have his action at law againſt the party. *Ibid.* § 12.

—— Perſons ſo offending, and not being able to ſatisfy the ſame, ſhall be bound over by ſome juſtice to appear at the next general or county court, where, on conviction, they may be puniſhed by whipping. *Ibid.* § 13.

Quantity of tobacco or ſum of money to be paid for apprehending runaway ſlaves in Pennſylvania or Virginia. *Ibid.* § 20.

Power of the courts to determine on complaints againſt maſters. *Ibid.* § 30, 1796, ch. 67, § 21.

No negroes or other ſlaves ſhall carry guns, &c. from their maſters land without leave. 1715, ch. 44, § 32.

—— Any ſlave ſo doing, may be carried before a juſtice of the peace and whipped, and the gun, &c. ſhall be forfeited to the perſon ſeizing the ſame, and carrying the offender before a juſtice of the peace. *Ibid.*

No negro or mulatto ſlave, or free negro, ſhall be admitted as evidence in any cauſe wherein any Chriſtian white perſon is concerned. 1717, ch. 13, § 2.

—— Caſes in which they may be admitted againſt ſlaves, free negroes, &c. *Ibid.* § 3, 1751, ch. 14, § 4.

—— Puniſhment for their giving falſe teſtimony. 1751, ch. 14, § 5.

—— The courts to admoniſh them to declare the truth, and to acquaint them with the danger of falſe ſwearing. *Ibid.* § 6.

Proviſion for making payment to the owners of ſlaves convicted and executed. 1717, ch. 13, § 4, 1737, ch. 2, § 5, 6, 1751, ch. 14, § 7, 12.

Slaves charged with pilfering or ſtealing, or any other crime or miſdemeanor whereof the county court might have cognizance, may be brought before a ſingle magiſtrate, and puniſhed by whipping. 1717, ch. 13, § 6.

Sheriffs empowered to ſell runaway ſlaves for their fees, after giving notice as therein directed. 1719, ch. 2.

The county courts to appoint the conſtable of every hundred where they think it expedient to ſuppreſs the tumultuous meeting of ſlaves. 1723, ch. 15, § 2.

—— Such conſtables ſhall repair once a month to ſuſpected places, and whip ſuch ſlaves as they find there without a licence in writing, unleſs belonging to the owner of the place. *Ibid.*

—— They may require as many perſons as may be neceſſary to go with them, who, on refuſing, ſhall forfeit 100 lbs. of tobacco. *Ibid.* § 3.

—— The ſame penalty on free white perſons preſent who refuſe to aſſiſt. *Ibid.*

—— Slaves belonging to the owner of the place, who refuſe to aſſiſt the conſtable, ſhall be whipped. *Ibid.*

—— Such conſtables ſhall be allowed 500 lbs. of tobacco yearly. *Ibid.* § 4.

If a ſlave is convicted before a ſingle magiſtrate of ſtriking any white perſon, ſuch magiſtrate may cauſe one of the offender's ears to be cropt. *Ibid.*

The owner of a plantation may whip any ſlaves, (not ſe their owners on lawful occaſions,) who, on being warned, refuſe or delay to depart. *Ibid.* § 5.

Perſons encouraging ſlaves to meet in companies on plantations, (unleſs on lawful occaſions,) ſhall forfeit 100 of tobacco. *Ibid.*

Owners of ſlaves ſuffering them to keep horſes or mares, raiſe cattle or hogs as their own, ſhall forfeit 500 lbs. of co, and ſuch horſes, &c. ſhall alſo be forfeited. *Ibid.* § 6

Runaway out-lying ſlaves refuſing to ſurrender themſel reſiſting perſons legally empowered to take them up, m ſhot, killed or deſtroyed, by ſuch perſons. *Ibid.* § 7.

—— Officers or other perſons endeavouring to app ſlaves, who may be ſlain for refuſing to ſurrender, or for fully reſiſting, ſhall be indemnified for ſuch killing. ch. 14, § 9.

—— But ſuch perſons ſhall undergo a legal trial, a appears that ſuch killing was in purſuance of the act of ch. 15, they ſhall be acquitted, and the coſts of proſe ſhall be paid by the public. 1753, ch. 26.

—— Slaves ſo killed ſhall be valued by two reſpectab ſons, not of kin to the owner, to be appointed and ſworn then neareſt magiſtrate, and the value certified by them magiſtrate, and by him to the treaſurer, ſhall be paid. ch. 14, § 9.

—— This act to be read in every county court by the or his deputy. 1723, ch. 15, § 8.

Puniſhment of ſlaves for petit treaſon or murder, or burning of dwelling-houſes. 1729, ch. 4.

—— Of perſons ſtealing any negro or other ſlave, o acceſſory thereto. 1737, ch. 2, § 4.

Slaves convicted of conſulting, adviſing, conſpiring or a ing, to raiſe any inſurrection, or to murder or poiſon an perſon, or to commit a rape upon any white perſon, or w ſtand mute, &c. ſhall ſuffer death without benefit of 1751, ch. 14, § 2.

Slaves convicted of attempting to burn any dwellin or out-houſe contiguous to or uſed with any dwelling-h other houſe wherein ſhall be any perſon, goods, tobacc or fodder, ſhall ſuffer death without benefit of clergy § 3.

—— Slaves committing any felony puniſhable by de be committed to the ſheriff, and tried at the next court court, on confeſſion, or conviction on the teſtimony of witneſs, or even of other ſlaves, corroborated with ſuch circumſtances as ſhall ſatisfy the jury of their guilt, judgment. *Ibid.* § 4.

—— Puniſhment of ſlaves guilty of the offences ther tioned, and manner of aſſeſſing the value. 1793, § 13, 29, 1799, ch. 58.

Slaves guilty of rambling, riding, &c. or running aw be puniſhed by the county court by whipping, cropping ing. 1751, ch. 14, § 8.

Perſons enticing a ſlave to run away ſhall forfeit the f or be impriſoned one year. *Ibid.* § 10.

—— Servants guilty thereof ſhall pay the value, or owner five years. *Ibid.*

No money to be paid for any ſlave dying in gaol after or who ſhall be executed, unleſs he is an actual inhabita ſtate. *Ibid.* § 12.

The ſheriffs to cauſe this act to be read at the co door. *Ibid.* § 11.

Penalty on maſters of veſſels ſuffering ſlaves to freq veſſels, or concealing them. 1753, ch. 9, § 3, 1763

Manner of transferring the property in ſlaves, wh donor retains the uſe and poſſeſſion. 1763, ch. 13.

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NEGROES AND SLAVES.

es on the profecution of any negro or other ſlave in any y court, (not otherwiſe paid,) whether convicted or ac- d, ſhall be chargeable to the county, and aſſeſſed in the May, 1766, ch. 6.

nalty on ordinary-keepers ſelling liquor to ſlaves, or har- g them, without leave. March, 1780, ch. 24, § 17.

ſons permitting ſlaves belonging to them in their own right, leſſed in the right of others, to go at large, or to hire the ſtate, forfeit £. 5 0 0 per month, (except ten days veſt.) April, 1787, ch. 33, § 1.

Any perſon who ſhall hire a ſlave by contract with ſuch ſhall forfeit £. 5 0 0, (with the exception aforeſaid.) *Ibid.*

But any perſon may permit his ſlave, being a pilot, to himſelf as ſuch, and any perſon may employ as a pilot any known or generally reputed to be a pilot. *Ibid.*

The penalties to be recovered before a ſingle magiſtrate. § 3.

To go to the informer, if the offence is proved without timony, otherwiſe to the poor of the county. *Ibid.*

This act to be read aloud by the clerks of counties at arch and April courts. *Ibid.* § 4.

ctions for the tranſportation and ſale of ſlaves pardoned governor after conviction, on the condition expreſſed in don. November, 1787, ch. 17, § 3.

The ſale to be for the benefit of the ſtate, and the to be paid as if they had been executed. *Ibid.*

ſlaves belonging to Virginia may be employed by the nack company, or by the commiſſioners of the federal gs, on either ſide of the river, and removed as often as neceſſary. 1794, ch. 66.

Such ſlaves not to acquire a right of freedom thereby.

To be carried back to Virginia within twelve calendar from the completion of the public works, or in default to be entitled to freedom. *Ibid.*

s whipping or beating the water in Patuxent river with ſticks to drive the fiſh, between the firſt of February firſt of June, ſhall, on conviction, be puniſhed by whip- the diſcretion of the juſtice, not exceeding ten laſhes. ch. 32, § 3.

Their maſters may redeem them from ſuch puniſhment g ten dollars, half to the informer, and half to the juſ- the uſe of the county. *Ibid.*

If the ſlaves acted by order of their maſters, they ſhall puniſhed, but the maſter ſhall forfeit twenty dollars, to vered by action of debt or by indictment. *Ibid.*

awful to import or bring into this ſtate by land or water ro, mulatto or other ſlave, for ſale, or to reſide therein. ch. 67, § 1.

s brought in contrary to this act ſhall immediately ceaſe e property of the importer, and ſhall be free. *Ibid.*

Provided, that any citizen of the United States coming ſtate with a *bonâ fide* intention of ſettling therein, may at the time of his removal or within one year thereafter, m as a ſlave, any ſlave, his property at the time of re- ſuch ſlave, or his or her mother, have been reſident of e United States three years next preceding ſuch re- *Ibid.* § 2.

On ſuch citizens dying within the ſaid year, their exe- adminiſtrators may bring in ſuch ſlaves within one year ſaid death, and alſo the iſſue of ſuch ſlaves born after val of the perſon dying. 1797, ch. 15, § 2.

The ſame privilege of importing extended to the of infants entitled on ſuch perſons dying, within one the removal, and to male infants ſo entitled after at-

NEGROES AND SLAVES.

taining the age of twenty-one, and to female infants after attaining the age of ſixteen, and to include the iſſue as in the caſe of executors. *Ibid.* § 3.

—— Perſons ſo removing not to ſell or diſpoſe of any ſlaves ſo imported, or their increaſe, unleſs they have reſided in the ſtate three years next preceding ſuch ſale, excepting diſpoſitions by will, by law for debts, or in conſequence of inteſtacy. 1796, ch. 67, § 3.

—— Not to affect the right of perſons travelling or ſojourning with a ſlave, ſuch ſlave not being ſold or diſpoſed of in the ſtate, but carried or attempted to be carried out thereof. *Ibid.* § 4.

No ſlave manumitted agreeably to the laws of this ſtate ſince the act of April, 1783, ch. 23, or who may be manumitted under this act, ſhall vote at elections, or be elected or appointed to any office of profit or truſt, or give evidence againſt any white perſon, or for the manumiſſion of any ſlave petitioning for freedom. *Ibid.* § 5.

Perſons bound to ſerve for a term of years ſhall not, when brought from another ſtate into this, be conſidered as ſlaves for life, but ſhall ſerve their time out, and no longer. *Ibid.* § 6.

Where negroes have been carried out of the ſtate by executors, guardians, &c. during the infancy or without the conſent of the owners, they may be brought back, and held as ſlaves. *Ibid.* § 7.

Citizens and reſidents of this ſtate, ſeized or poſſeſſed in their own right or in that of their wives, of land in an adjoining ſtate, may bring in ſlaves in the manner and on the terms therein preſcribed. *Ibid.* § 8.

—— A liſt of ſuch ſlaves, their names, &c. to be delivered to the clerk of the county where they are brought to reſide, and recorded. *Ibid.*

Citizens of an adjoining ſtate ſo entitled to land in this, may bring in ſlaves in the ſame manner, &c. *Ibid.* § 9.

—— The power of removing to be exerciſed as often as the owner thinks proper. *Ibid.* § 10, 1798, ch. 76.

—— The ſame privilege extended to citizens of this or an adjoining ſtate ſo entitled in this or any adjoining ſtate, being owners of ſlaves worked thereon. 1798, ch. 76.

Slaves, in which a property has been acquired by marriage, bequeſt, diſtribution, or as guardian, if reſidents of this ſtate or any of the United States before the 21ſt of April, 1783, may be brought in for the purpoſe of working, on a liſt being rendered as before directed. 1796, ch. 67, § 11.

—— The owners may ſell ſuch ſlaves after they have reſided for three years within the ſtate. *Ibid.*

Mode of manumitting ſlaves by will. *Ibid.* § 13.

Perſons forcibly or fraudulently carrying, or cauſing to be carried, out of this ſtate, any free negro or mulatto, knowing ſuch negro or mulatto to be free, ſhall forfeit 800 dollars for each, to be recovered by action of debt or indictment, half to the informer and half to the uſe of the county. *Ibid.* § 15.

—— If not paid or ſecured to be paid within thirty days, the court may adjudge ſuch perſon to ſerve on the roads not exceeding five years. *Ibid.*

—— Perſons ſo carrying, or cauſing to be carried, out of the ſtate, any negro or mulatto entitled to freedom at a certain age, and there ſelling or cauſing them to be ſold as ſlaves for life, or for a longer time than they have to ſerve by law, knowing them to be ſo entitled to freedom, may be fined in the ſame ſum, and on non-payment within the ſaid time, be adjudged to ſerve on the roads in the ſame manner. *Ibid.*

—— Perſons bringing into this ſtate negroes, &c. ſo entitled to freedom at a certain age, and ſelling them, &c. as above, forfeit the ſame ſum, and on non-payment within the ſaid time, may be adjudged to ſerve on the roads in the ſame manner. *Ibid.* § 16.

I N D E X.

NEGROES AND SLAVES.

Owners of ſlaves not to ſuffer them to depart from their plantations and remain at large, becoming burthenſome to the neighbourhoods. *Ibid.* § 17.

—— The county courts empowered to take recognizance for a compliance with this part of the act. *Ibid.*

Penalty on free negroes giving or ſelling their certificates of freedom. *Ibid.* § 18.

—— The maſters to have a remedy in any court of law. *Ibid.*

—— Penalty on perſons giving a paſs to a ſlave, or perſon held to ſervice, or aſſiſting their tranſportation from this ſtate, or by unlawful means depriving the owners of their ſervice. *Ibid.* § 19.

—— Such perſon liable alſo to an action for damages. *Ibid.*

Puniſhment of ſlaves ſelling liquor, or keeping entertainment at any horſe-race, &c. without permiſſion in writing from their owners. *Ibid.* § 20.

Proviſion for taking up free negroes, &c. living idle, without means of ſubſiſtence, and for making them give ſecurity, or committing them. *Ibid.*

No petition for freedom ſhall originate in the general court, but in the county court where the petitioner reſides, under the direction of his owner. *Ibid.* § 21.

—— The proceſs to be iſſued to the county where the owner reſides. *Ibid.*

—— Either party may apply for a trial by jury, which ſhall be charged as the law directs, &c. *Ibid.* § 22.

—— Either party may challenge peremptorily twelve jurors impannelled, and for want of a ſufficient number remaining on the original pannel a *tales*, at the prayer of either party, ſhall be awarded. *Ibid.* § 24.

—— An appeal allowed as to matters of law only to the general court, and bills of exception to be taken. *Ibid.* § 23.

On all petitions for freedom thereafter inſtituted, where they ſhall be diſmiſſed, or on trial judgment be againſt the petitioner, the attorney ſhall pay all legal coſts, unleſs the court ſhall be of opinion, under all circumſtances, that there was probable ground to ſuppoſe the ſaid petitioners had a right to freedom. *Ibid.* § 25.

—— In caſes depending, where others by the ſame parties have been diſmiſſed, proceedings to be ſtaid by the court till the coſts of ſuch former petitions, and all reaſonable expences, &c. to be aſcertained by the court, are paid. *Ibid.*

—— If not paid within ſix months, the defendants to be diſcharged from their recognizances, and the petition diſmiſſed. *Ibid.* § 26.

—— On a petition being diſmiſſed, and a ſecond petition filed, proceedings ſhall be ſtaid till the coſts of the former petition, and all reaſonable damages, &c. (to be aſcertained by the court,) ſhall be paid or ſecured. *Ibid.* § 27.

The county courts to give this act in charge to the grand juries. *Ibid.* § 28.

Mode of manumitting ſlaves by writing. *Ibid.* § 29.

The mayor of the city of Baltimore, with any two juſtices of the peace, may arreſt and impriſon any French ſlave who is dangerous to the city, and may ſend ſuch ſlave to the Weſt-Indies in the manner therein directed. 1797, ch. 75.

Slaves to be valued by the aſſeſſors and collectors according to their ages, &c. in the manner therein preſcribed. *Ibid.* ch. 89, § 1, 14, 17.

Negroes conſidered as aſſets in the hands of the executor or adminiſtrator. 1798, No. 101, ch. 7.

The annual value of eſtates committed to guardians, to be eſtimated, including ſlaves. *Ibid.* ch. 12, § 6.

—— Guardians having the care of real eſtates ſhall cultivate them with the ſlaves, &c. belonging to the ward, or to be purchaſed with the approbation of the orphans court, or may ſuch eſtates, &c. *Ibid.* § 8.

—— In caſe the perſonal property of a ward ſhall conſiſt ſlaves, &c. the orphans court may paſs an order for the thereof. *Ibid.* § 12.

NEW TRIALS.

Where a verdict ſhall be ſet aſide and a new trial gra the courts may continue the cauſe, not exceeding four c after the uſual time of continuance, on reaſonable terms. vember, 1787, ch. 9, § 5.

New trials directed in certain caſes where judgments a verſed on appeal or writ of error. 1790, ch. 42.

See APPEALS.

NICOLITES.

The ſociety of people called Nicolites or New Quakers titled to all the rights, privileges, immunities and franc that the people called Quakers enjoy under the declarati rights, form of government, or the laws. November, 1 ch. 18.

Members of the religious ſociety called Nicolites, (otherwiſe qualified,) may qualify themſelves by affirmati hold ſeats in the legiſlature, or to hold offices of profit or 1794, ch. 49, confirmed by 1795, ch. 11.

The nicolites ſhall be allowed to take their ſolemn affirm as witneſſes in the manner that quakers have been here allowed to affirm, which affirmation ſhall be of the ſame as an oath to all intents and purpoſes whatever. 1797, ch confirmed by 1798, ch. 83.

NOBILITY.

No title of nobility or hereditary honours ought to be gr in this ſtate. Decl. 40.

NOLLE PROSEQUI.

Not to be granted by the governor in proſecutions by pr ment or indictment for the recovery of any fine, penalty o feiture only. April, 1782, ch. 42, § 4.

The governor on granting a *nolle proſequi* may grant the on ſuch conditions, and with ſuch limitations, as may moſt adviſeable. 1795, ch. 82, § 3.

NON COMPOS MENTIS.

See IDIOT. INFANT. LUNATIC.

NON EST FACTUM.

The plea of *non eſt factum* ſhall not be received unleſs fied by affidavit, or unleſs the defendant, being heir, execu adminiſtrator, obtain leave from the court on ſhewing juſt October, 1778, ch. 20, § 5, 1785, ch. 80, § 3.

NONJURORS.

The treble tax impoſed on nonjurors remitted. O 1780, ch. 46.

So much of the act for the better ſecurity of govern (October, 1777, ch. 20,) as impoſed on nonjurors a diſabil ſue for debts, practiſe phyſic, or carry on merchandiſe, rep November, 1781, ch. 17.

—— So much of the ſaid act as impoſed a treble tax o jurors repealed. November, 1782, ch. 13.

—— So much of the ſaid act as diſqualified and diſable jurors from holding offices and voting at elections rep 1786, ch. 14, § 2.

—— Such perſons to take the oath of allegiance befor vote at elections. *Ibid.* § 3.

I N D E X.

NON SUM INFORMATUS.

ne associate juſtice may direct judgments to be entered on *non sum informatus*. 1796, ch. 43, § 5.

The chief juſtice, or an aſſociate juſtice, may, out of court, direct the clerk to enter judgments by confeſſion, or *non sum informatus*. *Ibid.* § 20.

NOTARY PUBLIC.

See PUBLIC NOTARY.

NOTICE.

Directions for executors or adminiſtrators to give notice for claims to be brought in, and the form thereof preſcribed. 1798, No. 101, ch. 8, § 13.

For other matters, ſee CHANCERY. EVIDENCE. REFERENCE.

NOTTINGHAM.

Geeſe and ſwine prevented from going at large therein. 1798, ch. 63.

NUISANCE.

See WEARS and HEDGES.

NUNCUPATIVE WILL.

A nuncupative will ſhall be proved within fourteen days after the death of the teſtator, unleſs his widow, (if any,) and ſome of the next of kin, have been ſummoned to conteſt the ſame if they pleaſe. 1798, No. 101, ch. 2, § 13.

OATHS.

No other teſt or qualification ought to be required, on admiſſion to any office of truſt or profit, than ſuch oath of allegiance and fidelity to this ſtate, and ſuch oath of office, as ſhall be directed by this convention or the legiſlature of this ſtate, and a declaration of a belief in the Chriſtian religion. Decl. 35.

The manner of adminiſtering an oath to any perſon ought to be ſuch as the religious perſuaſion, profeſſion or denomination, of which ſuch perſon is one, generally deem the moſt effectual confirmation by the atteſtation of the Divine Being. *Ibid.* 36.

The people called Quakers, thoſe called Nicolites or New Quakers, thoſe called Tunkers, and thoſe called Menoniſts, holding it unlawful to take an oath on any occaſion, ſhall be allowed inſtead their ſolemn affirmation as witneſſes in the manner that Quakers have been heretofore allowed to affirm, which affirmation ſhall be of the ſame avail as an oath to all intents and purpoſes whatever. 1797, ch. 118, confirmed by 1798, ch. 83.

General warrants without oath or affirmation to ſearch ſuſpected places, or to ſeize any perſon or property, are grievous and oppreſſive. Decl. 23.

The oaths to be taken by the electors of the ſenate immediately before their meeting, and before they proceed to the election of delegates. Conſt. 18.

The oaths to be taken by the clerk of the council. *Ibid.* 26.

The oath of ſupport and fidelity to the ſtate to be taken by the ſenators and delegates at their annual meeting, before they proceed to act as ſuch. *Ibid.* 28.

—— An oath to be taken by them before the election of a governor or members of the council. *Ibid.*

Every governor, ſenator, delegate, and member of the council, before he acts as ſuch, ſhall take an oath, that he will not receive directly or indirectly, at any time, any part of the profits of any office held by any other perſon during his acting in his office, or the profits, or any part of the profits, ariſing on any contract for the ſupply of cloathing or proviſions for the army or navy. *Ibid.* 38.

OATHS.

Every perſon who ſhall offer to vote for delegates or for the electors of the ſenate, or for the ſheriff, ſhall, (if required by any three perſons qualified to vote,) before he be admitted to poll, take ſuch oath or affirmation of ſupport and fidelity to this ſtate as this convention or the legiſlature ſhall direct. *Ibid.* 43.

The governor, every member of the council, and every judge and juſtice, before they act as ſuch, ſhall reſpectively take an oath, that he will not, through favour, affection or partiality, vote for any perſon to office, and that he will vote for ſuch perſon as in his judgment and conſcience he believes moſt fit and beſt qualified for the office, and that he has not made nor will make any promiſe or engagement to give his vote or intereſt in favour of any perſon. *Ibid.* 50.

Every chancellor, judge, regiſter of wills, commiſſioner of the loan-office, attorney-general, ſheriff, treaſurer, naval-officer, regiſter of the land-office, regiſter of the chancery court, and every clerk of the common law courts, ſurveyor and auditor of public accounts, ſhall take an oath, that he will not, directly or indirectly, receive any fee or reward for doing his office of ——— but what is or ſhall be allowed by law, nor will, directly or indirectly, receive the profits, or any part of the profits, of any office held by any other perſon, and that he does not hold the ſame office in truſt or for the benefit of any other perſon. *Ibid.* 52.

Every perſon appointed to any office of profit or truſt ſhall, before he enters on the execution thereof, take the following oath, to wit: "I, A. B. do ſwear, that I do not hold myſelf bound in allegiance to the king of Great-Britain, and that I will be faithful and bear true allegiance to the ſtate of Maryland." *Ibid.* 55.

Oath to be taken by the judges and clerks of elections in the city of Annapolis. *Ibid.* 61.

Quakers, menoniſts, tunkers, or nicolites or new quakers, who ſhall be conſcientiouſly ſcrupulous of taking an oath on any occaſion, being otherwiſe qualified, and duly elected ſenators, delegates or electors of the ſenate, or being otherwiſe qualified, and duly appointed to any office of profit or truſt, may, on making affirmation inſtead of taking the ſeveral oaths appointed by the conſtitution and acts of aſſembly, hold any ſuch offices, or qualify themſelves to take ſeats in the legiſlature, or to be electors of the ſenate. 1794, ch. 49, confirmed by 1795, ch. 11.

The governor, chancellor, judges, juſtices, and all other civil officers of government, directed to take the oaths therein preſcribed before they enter into the execution of their reſpective offices. February, 1777, ch. 5, § 1.

Form of the oath of the governor. *Ibid.*

—— Of a member of the council. *Ibid.*

—— Of the chancellor. *Ibid.*

—— Of the judge or juſtice of any court. *Ibid.*

—— Of an attorney at law. *Ibid.*

—— Of the attorney-general, clerk of the general and county courts, and all other civil officers of the ſtate. *Ibid.*

The oaths to the governor to be adminiſtered by the preſident of the ſenate in the ſenate houſe, in the preſence of the members of the general aſſembly. *Ibid.* § 2.

—— The oaths to the members of the council by the preſident of the ſenate, or any judge or juſtice. *Ibid.*

—— The oaths to the chancellor by the governor. *Ibid.*

—— The oaths to a judge or juſtice by any one in commiſſion with him, or any qualified judge or juſtice, to be certified by ſuch judge, &c. and recorded by the court of which the judge or juſtice ſo qualified is a member. *Ibid.*

Each of the judges of the court of appeals, before they ſet on an appeal from the chancery court, directed to take the oath therein preſcribed. June, 1780, ch. 11, § 5.

Oaths directed to be taken by the juſtices of the orphans courts. February, 1777, ch. 8, § 3, 1798, No. 101, ch. 15, § 7.

—— By

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OATHS.

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Oath to be taken by any perſon appointed to any of the offices mentioned in the act for the regulation of officers fees. November, 1779, ch. 25, § 8.

—— Oath to be taken by their deputies. *Ibid.* § 9.

Oaths to be taken by commiſſioners for marking and bounding lands. 1786, ch. 33, § 3.

—— Oaths to be adminiſtered by the ſaid commiſſioners to the ſurveyor, chain-carrier and witneſſes. *Ibid.* § 4.

Oaths to be taken for the continuance of actions. November, 1787, ch. 9, § 2, 3.

Oaths to be taken by the inſpectors of tobacco. 1789, ch. 26, § 13, 14, 1795, ch. 71, § 6.

Oath to be taken by conſtables. 1791, ch. 68, § 15.

Oath to be taken by the inſpectors of pot and pearl-aſh. November, 1792, ch. 65, § 2.

Militia officers to take an oath or affirmation to be true and faithful to the ſtate of Maryland. 1793, ch. 53, § 12.

The oaths to the ſtate and the United States to be taken by collectors of the county tax. 1794, ch. 53, § 2.

Oaths to be taken for obtaining attachment. 1795, ch. 56.

Oath to be taken by juſtices appointed under the act for the better adminiſtration of juſtice. 1790, ch. 43, § 17.

Oath to be taken by ſheriffs and coroners reſpecting the return of jurors. 1797, ch. 87, § 2.

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—— By the collectors under this act. *Ibid.* § 33.

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Oath to be taken by ſheriffs, to entitle them to collect the fees therein mentioned, within one year after the expiration of their time. November, 1788, ch. 31, § 2.

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—— By appraiſers of eſtates of deceaſed perſons. *Ibid.* ch. 6, § 4.

The courts of law ſhall not proceed to aſſeſs the ſum due, and paſs judgment againſt an executor or adminiſtrator, until the time limitted by law, or by the orphans court, for paſſing an account, ſhall have expired, provided the executor or adminiſtrator ſhall make oath, that he hath not aſſets to diſcharge the juſt claims. *Ibid.* ch. 8, § 9.

Oaths required on the vouchers or proofs of judgments and decrees againſt the eſtates of deceaſed perſons. 1798, No. 101, ch. 9, § 1, 10, 11, 12, 13.

Oath to be taken by guardians. *Ibid.* ch. 12, § 4.

An anſwer on oath to be made to plenary proceedings by bill or petition in the orphans court. *Ibid.* ch. 15, § 16.

Oath to be taken by the judges and clerks at elections. Conſt. 61, 1799, ch. 50, § 9.

See CHANCERY. EQUITY JURISDICTION. FLOUR. INSPECTION.

OFFICE AND OFFICERS.

No chancellor or judge ought to hold any other office, civil or military. Decl. 30.

No perſon ought to hold at the ſame time more than one office of profit. *Ibid.* 32.

No ſenator, delegate of the aſſembly, or member of the council, if he ſhall qualify as ſuch, ſhall hold or execute any office of profit, or receive the profits of any office exerciſed by any other perſon, during the time for which he ſhall be ele Conſt. 37.

No governor ſhall be capable of holding any other offi profit in this ſtate while he acts as ſuch. *Ibid.*

No perſon holding a place of profit, or receiving any pa the profits thereof, or receiving the profits, or any part o profits, ariſing on any agency for the ſupply of cloathing o viſions for the army or navy, or holding any office unde United States, or any of them, ſhall have a ſeat in the ge aſſembly or the council of this ſtate. *Ibid.*

An oath to be taken by every governor, ſenator, dele or member of the council, not to receive the profits of an fice held by any other perſon, &c. *Ibid.* 38.

See OATHS.

—— Puniſhment for their holding ſuch offices, or rece the profits thereof. *Ibid.* 39.

All civil officers for the ſeveral counties ſhall have bee dents of the county reſpectively ſix months next before appointment, and ſhall ſo continue while in office. *Ibid.*

Deſcription of civil officers to be appointed by the gov and council. *Ibid.* 48.

The governor and council empowered to ſuſpend or re any civil officer who has not a commiſſion during good viour. *Ibid.*

All civil officers of the appointment of the governor and cil, who do not hold commiſſions during good behaviour, be appointed annually, in the third week of November, any of them ſhall be re-appointed, they may continue without any new commiſſion or qualification; and every though not re-appointed, ſhall continue to act until the who ſhall be appointed and commiſſioned in his ſtead ſ qualified. *Ibid.* 49.

The governor, every member of the council, and every and juſtice, before they act as ſuch, ſhall reſpectively t oath, that he will not, through favour, affection or par vote for any perſon to office, and that he will vote for ſuc ſon as in his judgment and conſcience he believes moſt beſt qualified for the office, and that he has not made m make any promiſe or engagement to give his vote or inte favour of any perſon. *Ibid.* 50.

An oath to be taken by the officers therein mention to receive any fee or reward but what is allowed by law, profits of any office held by any other perſon. *Ibid.* 52.

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Puniſhment for giving or promiſing any bribe to be app to any office. *Ibid.* 54.

Oath to be taken by perſons appointed to any office o or truſt. *Ibid.* 55.

No member of congreſs, or perſon holding an office or profit under the United States, ſhall be capable of ha ſeat in the general aſſembly, or being an elector of the ſen holding any office of profit or truſt under this ſtate. ch. 80, confirmed by November, 1792, ch. 22.

Each houſe, (of the aſſembly,) to appoint its own Conſt. 24.

The governor and council, on the death, &c. of any of wills, empowered to appoint a perſon to the vacant o the meeting of the aſſembly. *Ibid.* 41.

—— Empowered in the ſame manner to appoint the c courts till the meeting of ſuch courts. *Ibid.* 47.

Such part of the act for the better ſecurity of the gove (October, 1777, ch. 20,) as diſqualified and diſabled n from holding offices, repealed. 1786, ch. 14.

Power of the governor and council to ſummon wit complaints againſt civil officers, and to adjudge as to t *Ibid.* ch. 22, § 2, 3.

I N D E X.

OFFICE AND OFFICERS.

akers, menonists, tunkers, or nicolites or new quakers, emed to hold offices by affirming instead of taking the oaths e required. 1794, ch. 49, confirmed by 1795, ch. 11.
slave manumitted agreeably to the laws of this state since ssige of the act of April, 1783, ch. 23, or to be made virtue of this act, shall be eligible to any office of profit l. 1796, ch. 67, § 5.
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— Respecting fees to the sheriffs for executing for those officers, and manner of proceeding therein. 1724, 1.
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s to the clerks of county courts. *Ibid.* § 3.
minal fees. *Ibid.*
— A deduction of one fourth to be made from all officers nder this act chargeable by law to the state or any county, sheriffs fees for the imprisonment of persons criminally d. November, 1787, ch. 34, § 3.
s for chancery proceedings in county courts. November, ch. 25, § 3.
s to the sheriff. *Ibid.*
— When a *ca sa* issues, poundage shall in no case be de- or taken upon the execution thereof, or charging any in execution, for any greater sum than the real *bonâ fide* e and claimed by the plaintiff amounts to. *Ibid.* § 4.
— Such sum the clerk, or the plaintiff, his agent or attorshall make and specify on the back of such writ, with a

OFFICERS FEES.

note, (in case of penalty,) that the growing interest is claimed till payment. *Ibid.*
—— No sheriff shall be obliged to execute such writ before such endorsement. *Ibid.*
—— On the service of an execution for money or tobacco, the sheriff shall charge and receive on the same at the rate of 7½ *per cent.* for the first £. 10 0 0 in money, or 1000 lbs. of tobacco, and 3 *per cent.* for the residue, in the same specie the execution shall issue for, to be endorsed as aforesaid. *Ibid.* § 5, 1790, ch. 59, § 2.
—— On execution or attachment on lands held for years or a greater estate, only one half the poundage fees. 1790, ch. 59, § 2.
—— If the estate in land shall not be chargeable by appraisement, and delivered to the plaintiff, or by sale of the sheriff, one quarter part only of the poundage fees shall be chargeable. *Ibid.*
—— Sheriffs shall not be answerable in an action of escape for more than the sum of money or tobacco really due, or endorsed to be received on the execution in discharge thereof. November, 1779, ch. 25, § 5.
Fees to the surveyor. *Ibid.*
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Fees to the examiner-general. *Ibid.* § 5, 1795, ch. 61, § 9, 1797, ch. 53, ch. 107, 1798, ch. 114.
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—— In the county court. *Ibid.*
—— To the coroner. *Ibid.*
All persons appointed to any office mentioned in this act shall, before they enter on the execution thereof, take the oath therein prescribed respecting their conduct, fees, &c. under the penalty of £. 150 0 0. *Ibid.* § 8.
Accounts of officers fees mentioned in this act to be made out in a fair clear manner, and in words at length. *Ibid.* § 9.
—— Copies of them to be delivered when required. *Ibid.*
Deputies and under clerks to take the oath therein prescribed, not to take fees for themselves, or to charge higher fees than are limitted, under the penalty of £. 100 0 0 for refusal or neglect. *Ibid.*
—— Penalties on justices for refusing to administer such oaths, and neglecting to return them to court to be recorded. *Ibid.*
Where actions are entered agreed, struck off, discontinued or abated, or are otherwise ended before final judgment or decree, the proceedings shall not be recorded, unless at the request of the plaintiff or defendant, or his agent or attorney, signified in writing to the clerks, and if recorded without such request no fees shall be payable therefor. *Ibid.* § 10.
Every officer mentioned by this act shall set up, and constantly keep in the most public place in his office, a fair table of the fees thereby rated and established, under the penalty of £. 50 0 0 for every month's neglect. *Ibid.*
No officer in this act mentioned shall send out his fees on execution but once in every year, between the first of January and the first of March, under the penalty of £. 200 0 0. *Ibid.* § 11.
The party, or his effects, shall not be executed for such fees, unless his account is delivered, or left at his last place of abode, on or before the first day of May in any year. *Ibid.*
—— After such delivery, &c. the sheriff, on notice that the debtor is about to abscond or remove his effects, may, between the first of May and the tenth of August yearly, apply to a magistrate,

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giſtrate, who, on proof by affidavit, &c. of ſuch facts, ſhall give the ſheriff a warrant, under his hand and ſeal, empowering him to execute the ſaid debtor, or his effects, which he ſhall do without any execution fee. *Ibid.* § 13.

—— The oath aforeſaid to be reduced to writing, and returned by the magiſtrate to the next county court. *Ibid.*

—— But the ſheriff is obliged to take ſufficient ſecurity for ſuch fees, if the debtor will give it. *Ibid.* § 14.

Allowance to the clerks for overſeers and conſtables warrants. *Ibid.* § 16.

On refuſal or neglect by any perſon to pay the officers fees, the ſheriff, after the tenth of Auguſt, may diſtrain his goods and chattels, and ſell them after five days, at public auction, to be done without fee or reward, and the overplus returned to the debtor. *Ibid.* § 17.

—— On ſuch refuſal to pay, or on neglect or refuſal to ſhew goods to be diſtrained, &c. the ſheriff may take ſuch perſon in execution for the ſum due. *Ibid.* § 18.

The ſheriff ſhall, on or before the twentieth of October yearly, pay to each creditor all the money he ſhall or might have received in ſatisfaction of their ſeveral and reſpective debts. *Ibid.*

—— If payment is not made, the ſheriff ſhall forfeit and pay to the party grieved double the money, if he ſhall ſue the ſheriff only, to be recovered in the manner therein preſcribed. *Ibid.*

—— If the party ſues on the ſheriff's bond, he ſhall recover only his debt, intereſt and coſts. *Ibid.*

Attornies fees by this act are levyable by execution as other officers fees, and the ſheriffs are obliged to levy and execute the ſame. 1715, ch. 48, § 1.

No proſecution ſhall be commenced for any penalty or forfeiture under this act, unleſs within one year. November, 1779, ch. 25, § 19.

All fees and allowances to officers, and others, given in tobacco, ſhall be paid in tobacco at 12/6 per hundred, or in ſpecie, valuing dollars at 7/6, at the election of the perſon charged. October, 1780, ch. 23.

Fees to be paid in chancery for the great ſeal. November, 1779, ch. 25, § 22.

—— To be paid immediately on the ſervice done, and to be accounted for and paid to the treaſurer half yearly by the regiſter, after deducting his commiſſion, and an account thereof to be laid before the general aſſembly annually by the regiſter. *Ibid.* § 23.

Officers fees in ſpecial courts, viz.

—— To each judge 20/. per day for his attendance in court, and the like allowance for itinerant charges, if he lives out of the county. May, 1781, ch. 24.

—— To all miniſterial officers the ſame as in the general court for the like ſervices. *Ibid.*

Fees allowed to county clerks for making record entries of the ſubſtance of deeds, and tranſmitting them to the general court. 1785, ch. 9, § 7.

—— Fees allowed to the clerks of the general court on ſuch tranſcript. *Ibid.*

Directions reſpecting fees to the attorney-general and his deputies on bonds and executions. 1785, ch. 84, § 8, 1786, ch. 44, § 6, 1791, ch. 63.

Sheriffs empowered to receive and collect by execution, or otherwiſe, all officers fees put into their hands for collection within the time limitted by law, in the laſt year of their offices, and all fees due to themſelves for ſervices performed in the ſecond year of their offices, for one year after the expiration thereof, as fully as they could have done while ſheriffs. November, 1788, ch. 31.

—— The ſaid ſheriffs muſt deliver to the perſons charged, or leave at their place of abode, a particular account in words at

length of the ſeveral ſervices for which the ſaid fees are cha and take the oath therein preſcribed. *Ibid.*

Fees allowed to juſtices of the peace and aſſociate juſtice the ſervices therein mentioned. 1796, ch. 43, § 31.

—— Their duty to prepare all inſtruments to be execut them in virtue of this law when required, except in caſ acknowledgment of deeds. *Ibid.* § 32.

—— An oath to be taken by them, not to receive a gr fee or reward than is allowed by this act. *Ibid.* § 33.

Fees allowed to pariſh regiſters for ſearches and certifica entries, and for enrolling perſons on the books of the p 1798, ch. 24, § 3, 22.

ORDINARY-KEEPERS.

The juſtices of the county courts may grant licences to ordinaries. March, 1780, ch. 24, § 1.

—— Directions for their being annually renewed, &c. § 2.

—— The ſheriffs directed to collect and receive all fine forfeitures under this act, and pay them to the treaſurers the county clerks to return liſts to the treaſurers of lic granted. *Ibid.* § 3.

The juſtices directed, at certain courts, to ſet and aſſe rates and prices of all liquors, &c. to be vended by ordi keepers for the year, to be tranſcribed and ſet up by the c in the court-houſes. *Ibid.* § 4.

—— Such rates to be ſet up by ordinary-keepers for p in their houſes, under the penalty of 600 lbs. of tob *Ibid.*

—— Ordinary-keepers demanding or receiving more tha rates to forfeit 300 lbs. of tobacco, and to be nonſuit on b ing an action for higher charges. *Ibid.*

—— On ſuch accounts being paid, they may be compell the county court, or a ſingle magiſtrate, to reſtore the ſum coſts. *Ibid.*

Directions for the number of beds, &c. to be kept, and pe for omiſſion. *Ibid.* § 5.

No perſon but the maſter or principal in the houſe to ke ordinary. *Ibid.* § 6.

If an ordinary-keeper ſhall keep a diſorderly houſe, it ma on complaint, ſuppreſſed by the juſtices of the court, and d the receſs by any two juſtices of the peace till the meetin the court. *Ibid.* § 7.

Penalty on perſons keeping ordinary after ſuch ſuſpen *Ibid.* § 8.

—— Such perſons, or others, keeping ordinary without lic to forfeit 1000 lbs. of tobacco per month. *Ibid.* § 9.

Directions for ſelling by ſealed meaſures, and penalty for ſal or neglect. *Ibid.* § 10.

Perſons not being licenſed, who ſell any ſpirituous liquor ed or unmixed, and ſuffer any part to be drank in or about houſe or plantation, or who ſell ſuch liquor at or near the c houſe, or place of muſter or training of the militia, or on b any veſſel, and ſuffer it to be drank on board, (except to ſa or perſons employed to work on board,) ſhall forfeit 600 lb tobacco. *Ibid.* § 11.

—— Not to prohibit any perſon, his agent, &c. to diſpo liquors to tradeſmen, labourers, &c. employed by them. § 13.

Perſons having licence, not to ſell at horſe-races after fi under the penalty of 800 lbs. of tobacco. *Ibid.* § 15.

Directions for recognizances to be taken by the juſtices b licences are granted. *Ibid.* § 16.

Penalty on ordinary-keepers harbouring or entertaining prentices, ſervants or ſlaves, to be recovered before a juſti the peace. *Ibid.* § 17.

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ORDINARY-KEEPERS.

e fines under this act, (where not otherwiſe directed,) to covered by action, bill, &c. half to the perſon proſecuting alf to be paid to the ſheriff. *Ibid.* § 19.

— The ſheriffs commiſſion thereon, and directions for the ent to the treaſurer. *Ibid.* § 20.

e county clerks to deliver to the grand jury a liſt of perſons g licences. *Ibid.* § 21.

— Duty of the grand jury to preſent perſons offending, and onſtables to be ſworn up to them. *Ibid.*

e chief juſtice, or an aſſociate juſtice, in the counties where reſide, may grant licences for keeping ordinaries till the end e court next after, to be paid for in proportion. 1791, 8, § 2.

— Recognizances to be entered in the ſame manner, and erſons to be under the ſame regulations as are preſcribed e original act. *Ibid.*

inary-keepers not to be appointed commiſſioners of the 1797, ch. 89, § 2.

ORPHANS.

ctions for binding out orphans by the truſtees of the poor. ch. 21.

hans may be bound apprentices, where the profits of their are not ſufficient for their maintenance, by the orphans or in their receſs by two juſtices of the peace. 1793, , § 2, 1794, ch. 47.

APPRENTICES.

rdians to be appointed by the orphans courts to infant s entitled to real or perſonal eſtate, who have not natural ns, or guardians appointed by will. 1798, No. 101, § 1.

— The orphans courts may have ſuch orphans brought them for the purpoſe. *Ibid.* § 2.

— May, on the application of any friend of the infant, call guardian under the ſtatute aforeſaid, or natural guardian, bond, and on failure, may appoint another guardian. 3.

ans courts to be appointed for the purpoſe of ſecuring the of orphans, &c. *Ibid.* ch. 15, § 1.

other matters, ſee GUARDIANS. INFANTS. ORPHANS rs.

ORPHANS COURTS.

act to eſtabliſh orphans courts. February, 1777,

— A ſupplementary act. October, 1777, ch. 9.

— Powers given reſpecting the eſtates of deceaſed perſons. ber, 1779, ch. 24.

— An act reſpecting the appointment of juſtices. 1791,

ans courts empowered to bind out as apprentices orphan , the profits of whoſe eſtates are not ſufficient for their nance, children ſuffering through the extreme indigence r parents, the children of beggars, illegitimate children, e children of perſons out of the ſtate, where a ſufficient nance is not afforded. 1793, ch. 45, § 2.

— Indentures of apprenticeſhip to be recorded in the or- ourts. *Ibid.* § 6, 1794, ch. 47.

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re the orphans courts ſhall not meet at the time preſcribed or to which they may ſtand adjourned, the regiſters are ed and required to adjourn from day to day till a meeting had. 1795, ch. 55.

— juſtice to receive two dollars for every day he ſhall at- the execution of his office, to be levied and collected as ounty charges are. 1796, ch. 40.

ORPHANS COURTS.

Proviſion made for recording certain proceedings in the orphans court of Calvert county. 1797, ch. 81.

An act relating to the records in the office of the regiſter of wills in Queen-Anne's county. *Ibid.* ch. 88.

The juſtices of Kent county enabled to have the records and papers of the orphans court therein tranſcribed. 1798, ch. 57.

The governor and council authoriſed to appoint and commiſſion three men of integrity and judgment in each county of the ſtate, to be juſtices of the orphans court in ſuch county, for the purpoſe of taking the probat of wills, granting letters teſtamentary and of adminiſtration, directing the conduct and ſettling the accounts of executors and adminiſtrators, ſecuring the rights of legatees, ſuperintending the diſtribution of the eſtates of inteſtates, ſecuring the rights of orphans and legatees, and adminiſtering juſtice in all matters relative to the affairs of deceaſed perſons according to law. 1798, No. 101, ch. 15, § 1.

—— The form of the commiſſion preſcribed. *Ibid.* § 2.

—— Each of the perſons named in ſuch commiſſion ſhall be entitled to hold and exerciſe his office until a new commiſſion as aforeſaid in which his name ſhall not be included ſhall be produced and opened in court of which he is a juſtice. *Ibid.* § 3.

—— Such commiſſions to be recorded in the office of the regiſter of wills, if the perſons named, or any of them, ſhall qualify. *Ibid.* § 4.

The juſtices then qualified authoriſed to act until a new commiſſion ſhould be produced. *Ibid.* § 5.

Any perſon who ſhall qualify under ſuch commiſſion may alſo act under a commiſſion as a juſtice of the peace. *Ibid.* § 6.

The juſtices to ſubſcribe a declaration of their belief in the chriſtian religion, and take the oaths therein preſcribed, except thoſe juſtices who acted under former commiſſions. *Ibid.* § 7.

The orphans courts ſhall be held in each county on the ſecond Tueſday in every month of February, April, June, Auguſt, October and December, and oftener if need be, according to its own adjournment. *Ibid.* § 8.

—— Any one of the juſtices, in the abſence of the others, ſhall have power to hold the ſaid court at a ſtated time of adjournment, only for the purpoſe of adjourning. *Ibid.*

—— Any two of the juſtices ſhall have full power to do any act which the court may do. *Ibid.*

—— Any two of the juſtices ſhall have power to hold the ſaid court on any day not named in an adjournment, on the application of any perſon having preſſing buſineſs in the ſaid court, provided notice thereof be given to all, and in ſuch caſe the regiſter ſhall record that ſuch notice hath been given. *Ibid.*

The regiſters of wills ſhall attend each meeting of the orphans courts, and, under their direction, make full entries of their proceedings. *Ibid.* § 9.

—— They ſhall make a record of all wills proved before them or the courts, or authenticated according to this act, and of all other matters by law directed to be recorded in the ſaid courts or in their offices. *Ibid.*

—— They ſhall make out and iſſue every ſummons, proceſs, or order of the court, and ſhall in every reſpect act under their control and direction as the clerks of courts of law are under the direction thereof. *Ibid.*

—— They ſhall give out and certify, under the ſeal of the court, any copy of any part of the proceedings in the court, or in their offices, which any perſon may demand, and be entitled to a reward according to the table of fees. *Ibid.*

—— They ſhall attend on every Tueſday and Saturday at the town or place where the orphans court is held, (unleſs prevented by ſickneſs, &c.) for the diſpatch of office buſineſs. *Ibid.* § 10.

—— They ſhall lodge every original paper and record in ſome repoſitory of the court-houſe, or in ſuch other place of ſafety as the

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the courts may appoint, the ſaid repoſitory to be provided and kept in repair at the county's charge. *Ibid.*

The orphans court in each county ſhall keep a ſeal for the ſaid court, and for the office of regiſter of wills. *Ibid.* § 12.

—— Such courts as have not ſeals, to provide them, and the ſaid ſeals to be affixed to all certificates, proceſs, &c. *Ibid.*

The orphans courts empowered to examine, hear and decree upon, all accounts, claims and demands, between wards and their guardians, and between legatees, or perſons entitled to a diſtributive part of an inteſtate's eſtate, and executors and adminiſtrators. *Ibid.*

—— They may enforce obedience to, and execution of, their decrees, in the ſame ample manner as the court of chancery may. *Ibid.*

—— They may, on application as therein mentioned, remove guardians and appoint others. *Ibid.*

—— They ſhall in all caſes have power to ſummon any perſon concerned in the affairs of a deceaſed perſon, or any witneſs or other perſon whoſe appearance in the ſaid court ſhall be deemed neceſſary, and to make the ſummons returnable at their diſcretion. *Ibid.* § 13.

—— They may attach perſons ſummoned and not attending, and fine them not exceeding 30 dollars. *Ibid.*

—— They may commit witneſſes refuſing to give evidence, or may attach and ſequeſter the party's eſtate, or a part thereof, as thereafter directed. *Ibid.*

Sheriffs and coroners to ſerve and return proceſs from the orphans courts, and on failure to be proceeded againſt by attachment and fine. *Ibid.* § 14.

The orphans courts empowered to ſequeſter property to compel the attendance of parties. *Ibid.* § 15.

On the deſire of either of the parties, the orphans courts may direct a plenary proceeding by bill or petition to be anſwered on oath, (or affirmation,) or on failure to anſwer, the party to be attached, &c. *Ibid.* § 16.

—— Manner of trial and giving judgment on ſuch plenary proceeding. *Ibid.* § 17.

—— In all caſes of conteſt, the orphans courts may award coſts to the party in their opinion entitled thereto, and may compel payment by attachment and fine, or ſequeſtration. *Ibid.*

Manner of appealing from the judgments, &c. of the orphans courts, and of proceeding by the ſaid courts after the deciſion of the appellate courts. *Ibid.* § 18.

—— An appeal from the orphans courts ſhall not ſtay any proceedings therein which may with propriety be carried on before the appeal is decided, provided the ſaid orphans court can provide for conforming to the deciſion of the court above, whether the ſaid deciſion may eventually be for or againſt the appellant. *Ibid.* § 19.

The orphans courts ſhall not, under pretext of incidental power or conſtructive authority, exerciſe any juriſdiction whatever not expreſsly given by this act, or ſome other law, but every judgment, decree, deciſion or order, of the ſaid court, may be enforced by attachment and ſequeſtration as aforeſaid, and if the ſaid judgment, decree, deciſion or order, be for paying money, the property ſequeſtrated may, at the diſcretion of the court, be applied to the purpoſe for which ſuch judgment, decree, deciſion or order, was given. *Ibid.* § 20.

Manner in which the probat of wills or codicils may be taken by the orphans courts. *Ibid.* ch. 2, § 7 to 13.

Directions for recording wills, and the authentication thereof, and granting letters teſtamentary, or of adminiſtration if the executors do not appear. *Ibid.* ch. 3, § 2 to 6.

Manner of proceeding on the renunciation of an executor being filed or tranſmitted to the orphans court. *Ibid.* § 7.

Directions to the orphans courts to iſſue letters *ad colligen* *Ibid.* § 14.

—— On refuſal of a collector to redeliver the propert may be attached and fined by the court. *Ibid.* § 20.

A tranſcript of a record of conviction of any crime ſha evidence in the orphans court to prove a party, (named as a ecutor,) infamous. *Ibid.* ch. 4, § 3.

On a queſtion of lunacy, &c. of a perſon named as exec a writ *de lunatico inquirendo* may iſſue by the chancer orphans court. *Ibid.* § 5.

—— A certificate of the proceedings from the regiſt chancery ſhall be evidence in the orphans courts. *Ibid.*

In what caſes letters of adminiſtration ſhall be granted b orphans courts. *Ibid.* ch. 5, § 2.

—— Power of the orphans courts to examine the perſo plying, on oath or affirmation, as to the time, place and m of the death. *Ibid.* § 3.

Where letters teſtamentary are granted, and the form miniſtration revoked, the adminiſtrators to exhibit their acc to the orphans courts without delay, or their bonds to be *Ibid.* § 5.

Directions for the return of inventories, unleſs further ti given by the orphans courts. *Ibid.* ch. 6, § 6.

—— On attachments for not making ſuch returns, the may fine the party not exceeding 30 dollars. *Ibid.*

Appraiſers may be appointed by any judge of the or court to appraiſe property coming into poſſeſſion and not tioned in a former inventory. *Ibid.* § 10.

If an executor or adminiſtrator ſhould not determine to the crop, the perſon entitled to the land, or his guardian take the crop at an appraiſement, paying ready money, or g bond, with ſecurity approved by the orphans court, or (if ſeſſion,) by the regiſter of wills. *Ibid.* § 12.

—— The executor or adminiſtrator may ſell the cr ready money or credit as aforeſaid, but not for leſs than t praiſement without the approbation of the orphans court, order preſcribing the terms. *Ibid.*

Power of the orphans courts to revoke the letters of e tors or adminiſtrators on the inventories not being retur therein directed. *Ibid.* § 13.

Accounts of the adminiſtration, when to be returned orphans courts. *Ibid.* ch. 8, § 1.

Power of the orphans courts to make allowance to colle executors or adminiſtrators, for property loſt, &c. *Ibid.*

—— To direct a ſale for the payment of debts and againſt the eſtate. *Ibid.* § 3, 4.

The courts of law ſhall not proceed to aſſeſs the ſum paid by executors or adminiſtrators till the time limitted b or by the orphans courts, for the paſſing their accounts, pired. *Ibid.* § 9.

—— The account ſettled by the orphans court, in whic debt or damages ſued for ought to be ſtated, ſhall be evide ſhew the amount of aſſets and claims. *Ibid.*

Executors or adminiſtrators may retain, to meet ſuits for than they think due, ſuch ſum as the orphans court ſhall *Ibid.* § 11.

The orphans court empowered, with the conſent of bot ties, to be entered on their proceedings, to arbitrate betw claimant and an executor or adminiſtrator, or the diſpute m the parties be referred to any perſon or perſons approved orphans court. *Ibid.* § 12.

Advertiſements giving notice to claimants to be inſerte many news-papers as the orphans court may direct. *Ibid.*

In no caſe ſhall an executor or adminiſtrator be allo retain for his own claim againſt the deceaſed, unleſs the ſa paſſed by the orphans court. *Ibid.* § 19.

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wer of the orphans courts reſpecting claims by the eſtates ceaſed perſons againſt executors or adminiſtrators. *Ibid.* , 21.

o executor or adminiſtrator ſhall diſcharge any claim againſt deceaſed otherwiſe than at his own riſk, unleſs the ſame be paſſed by the orphans court granting the adminiſtration, or s the ſaid claim be proved according to the rules therein laid down. *Ibid.* § 22.

ery executor or adminiſtrator ſhall be obliged to diſcharge claim, (or a proportionable part,) if paſſed by the orphans granting his letters, unleſs he ſhall appeal from the deciſion e court in the manner thereafter directed. *Ibid.* ch. 9, § 13.

o executor or adminiſtrator ſhall be allowed in his account ny claim by him diſcharged, unleſs he produce the claim d by the orphans court, or proofs or vouchers as aforeſaid. § 15.

wer of the orphans courts as to the allowance for funeral nces. *Ibid.* ch. 10, § 2.

— As to allowance for things loſt or which have periſhed ut the party's fault. *Ibid.*

— As to commiſſion. *Ibid.*

— As to coſts and extraordinary expences. *Ibid.*

— As to debts ſperate and deſperate. *Ibid.* § 3, 4, 5.

e orphans courts empowered, in the caſes therein mention- o direct executors or adminiſtrators to pay a part of a diſtri- e ſhare before the eſtate is ſettled. *Ibid.* § 7.

— Empowered in like manner to direct the payment of a ic legacy. *Ibid.* § 8.

wer of the orphans courts to revoke letters teſtamentary or miniſtration on failure to return an account. *Ibid.* § 9.

e orphans courts, or the chancery court, empowered to de- give directions to executors, or adminiſtrators with a f the will annexed, to retain the perſonal eſtate, or a part after all claims are diſcharged, where by the will money other thing is directed to be paid at a diſtant period, or contingency. *Ibid.* § 11.

ere the ſurplus of an inteſtate's eſtate, after the payment ts, ſhall conſiſt of ſpecific property, or articles mentioned inventory, the adminiſtrator, if he cannot ſatisfy the par- ay apply to the orphans court to make the diſtribution. ch. 11, § 16.

— The court may appoint a day for making diſtribution, mmon the parties to appear, and may at the appointed roceed to diſtribute. *Ibid.*

— On failure of a majority to appear, or on a diſtribution objected to, or on a ſale being deemed more advantageous, urt may decree a ſale. *Ibid.*

wer of the orphans court to appoint guardians to orphans, what time, &c. *Ibid.* ch. 12, § 1.

— To call before them orphans for the ſaid purpoſe. *Ibid.*

— To make guardians under the ſtatute, and natural guar- give bond. *Ibid.* § 3.

— Guardians appointed by the court to give bond in ſuch y and with ſuch ſureties as the court ſhall approve. *Ibid.* § 4.

e orphans court to order the eſtates to be delivered to ſuch ans, and to enforce ſuch order by attachment and fine. § 5.

— To call on any guardian for new ſecurity, and on failure int a new guardian. *Ibid.*

— To appoint two perſons to view every eſtate committed ardian. *Ibid.* § 6.

— Their valuation to be returned to the court. *Ibid.*

orphans courts may, on the application of a guardian, m to cut down and ſell wood, and account for the ſame, ntageous or neceſſary. *Ibid.* § 7.

ORPHANS COURTS.

Guardians ſhall cultivate their ward's eſtates with the ſlaves, &c. on hand, or to be purchaſed with the approbation of the orphans court, or with ſuch approbation may undertake the eſtate on their own accounts, and be anſwerable for the annual value, to be aſcertained every third year, under the direction of the court. *Ibid.* § 8.

—— Every guardian ſhall account for all profit and increaſe of the eſtate, or annual value as aforeſaid, and ſhall not be anſwerable for any loſs or decreaſe ſuſtained without his fault, to be allowed by the orphans court. *Ibid.* § 9.

Directions for the ſettlement of guardians accounts, allowing for maintenance, directing a ſale, &c. *Ibid.* § 10, 11, 12, 13.

—— Guardians failing liable to attachment and fine by the orphans courts. *Ibid.* § 14.

—— Guardians to exhibit a final account to the orphans court on the ward's becoming entitled, and to deliver up the property, or be liable to ſuit, and to attachment and fine as aforeſaid. *Ibid.* § 15.

Form of a widow's renunciation of the deviſes, &c. in a will, to be made to the orphans court, and the time therefor preſcribed. *Ibid.* ch. 13, § 2.

If any perſon entitled to adminiſtration ſhall deliver or tranſmit to the orphans court a declaration in writing that he is willing to decline the truſt, the court ſhall proceed as if ſuch perſon were not entitled. *Ibid.* ch. 14, § 1.

Directions reſpecting letters *de bonis non* on the death of an executor or adminiſtrator. *Ibid.* § 2.

Directions reſpecting the allowance of commiſſion where any thing is bequeathed to an executor by way of compenſation. *Ibid.* § 5.

Caſes in which an executor or adminiſtrator may be excuſed from exhibiting an inventory, on giving bond to be approved by the orphans court as therein directed. *Ibid.* § 6, 7.

Power of the orphans courts on application by ſecurities of executors or adminiſtrators who are likely to ſuffer. *Ibid.* § 11.

Any executor or adminiſtrator ſhall be entitled to appoint a meeting of creditors, or of perſons entitled to diſtributive ſhares or legacies, or a reſidue, on ſome day by the court approved, and paſſage of claims, payment or diſtribution, may be then made, under the court's direction and control. *Ibid.* § 12.

The act of aſſembly for inſtituting orphans courts, (February, 1777, ch. 8,) and every ſupplement or act in addition thereto, or ſo much thereof as is repugnant to the proviſions of this act, ſhall be and are hereby repealed from the time when the operation of this act is to commence. 1798, No. 101, § 4.

OVERSEERS OF THE ROADS.

Excepted out of the deſcription of officers to be appointed by the governor and council. Conſt. 48.

—— Exempted from attendance as jurors. 1715, ch. 37, § 4.

Power and duty of the overſeers in certain counties. 1704, ch. 21.

See ROADS.

Overſeers of the roads to be appointed by the levy courts in the ſame manner, &c. as before by the county courts. 1794, ch. 53, § 8.

—— To aſcertain and return to the levy courts the value of trees cut down or uſed in repairing bridges, or forfeit the value of the trees. 1795, ch. 37, § 2, 3.

—— Empowered to remove trees, gravel, &c. lodging againſt the bridges on the roads. *Ibid.* § 5.

—— To accept in lieu of perſonal labour 3/9 per day, and account with the levy courts for ſuch money. *Ibid.* § 6.

OYER AND TERMINER.

The governor empowered, on application, to iſſue commiſſions of *oyer and terminer* and gaol delivery for the trial of all crimes, offences and miſdemeanors whatſoever, in any county within the ſtate. November, 1787, ch. 1.

Caſes of homicide therein mentioned to be tried in the general or county courts, or in courts of *oyer and terminer*. 1789, ch. 22.

Fees and allowance to juſtices and miniſterial officers in ſpecial courts of oyer and terminer. May, 1781, ch. 24.

A commiſſion directed to iſſue to one perſon, as chief juſtice, and to two perſons, as aſſociate juſtices, of the court of *oyer and terminer* and gaol delivery for Baltimore county. 1799, ch. 58, § 1.

PAINS AND PENALTIES.

NO law to inflict cruel and unuſual pains and penalties ought to be made. Decl. 14.

PAPER MONEY.

Bills of credit directed to be emitted to the amount of 318,000 dollars. 1769, ch. 14, § 2.

—— Puniſhment for forging them, &c. *Ibid.* § 4.

—— Directions for lending out ſuch bills. *Ibid.* § 10, 11.

—— The bonds taken therefor to be a lien on the real eſtates of obligors. *Ibid.* § 12.

—— Manner of recovering the ſums due. *Ibid.* § 12 to 16.

—— Time limitted for the circulation of the bills, and directions as to drawing bills of exchange on the truſtees of the bank ſtock in London. *Ibid.* § 20 to 28.

—— The bills of credit not a legal tender, except on contract therefor. *Ibid.* § 37.

Bills of credit directed to be emitted under the direction of the commiſſioners under the above act to the amount of 480,000 dollars. November, 1773, ch. 26, § 2.

—— Puniſhment for forging them, &c. *Ibid.* § 5.

—— The bills to be lent out, and parts allotted to each county. *Ibid.* § 7.

—— The bonds to be a lien on the real eſtates as in the above act, and the ſame mode of recovery directed. *Ibid.* § 9, 10, 11.

—— Time limitted for the circulation. *Ibid.* § 14.

—— Directions as to bills of exchange on the truſtees in London. *Ibid.* § 14, 15, 16.

—— The bills of credit not to be a legal tender, unleſs on contracts therefor. *Ibid.* § 23.

—— Appropriation of part of the bills. *Ibid.* § 27, 28.

The bills emitted under the act of 1766, ch. 26, to be brought in to the treaſurer by a certain time, or to be irredeemable. November, 1779, ch. 38, § 2, 3.

—— The treaſurer of the weſtern ſhore appointed commiſſioner, and to have all the powers given to the one mentioned in the ſaid act. *Ibid.* § 5.

—— The poſſeſſors of the ſaid bills entitled to receive bills of exchange or certificates. *Ibid.*

—— Perſons in London to be appointed truſtees reſpecting the bank ſtock. *Ibid.* § 6, 7.

Bills of credit to be procured from congreſs, and ſigned by commiſſioners appointed, for the purpoſe of redeeming our quota of the continental emiſſions as therein mentioned. June, 1780, ch. 8, § 1 to 5.

—— A tax impoſed of one buſhel of wheat, 25 lbs. of tobacco, or 7/6 in ſpecie, or the new emiſſion, annually, for five years, as a fund to redeem the emiſſion under this act. *Ibid.* § 6.

—— Certain duties impoſed therefor. *Ibid.* § 7, 8, 12, 13.

—— Certain forfeited eſtates, and fines and forfeitures, applied to the ſame purpoſe. *Ibid.* § 9.

PAPER MONEY.

Certain money directed to be exchanged for the new bi *Ibid.* § 14, 15.

The bills under this act *then* made, a legal tender. *Ibid.* §

—— The chancellor and the judges of the general court rected, on the depreciation of the ſaid bills, to fix the excha at which debts contracted before the firſt of September, 17 ſhould be diſcharged. *Ibid.* § 18.

The governor and council empowered to have bills of cr ſtruck to the amount therein mentioned, *(commonly called B Money.)* *Ibid.* ch. 24, § 7.

—— The ſaid bills to be redeemed on or before the fir May, 1786, in ſpecie, or bills of exchange on Europe, and faith of the ſtate pledged for their redemption. *Ibid.* § 10.

—— The bank ſtock in England, or the money ariſing the ſale of the ſame, or the property in this ſtate belongi ſubjects of Great-Britain, pledged for the ſaid purpoſe. § 11.

—— The ſaid bills declared to be a legal tender in the manner as in the above act. *Ibid.* § 13.

In default of the creditor endorſing on his bond, &c. t was taken for money lent, and making oath thereto, pay might be made in the bills emitted by June, 1780, ch. 8. ch. 28, § 3.

The bills of credit iſſued by congreſs, and emitted by a aſſembly and reſolves of conventions, and made a legal ten all caſes by the act of February, 1777, ch. 9, ſhall not tender or payment for any debt, promiſe, contract or agree created or made after the paſſing of this act, (unleſs by ment of the parties.) *Ibid.* § 4.

No bills of credit iſſued by congreſs or the ſtate to pa a tender, &c. after the twentieth of March, 1781. O 1780, ch. 5, § 2.

—— The poſſeſſors entitled to bring ſuch bills in on or that time, and to receive new bills at the rate of one for *Ibid.* § 3.

Application made of the new bills to congreſs and to the *Ibid.* § 7.

Directions for retaining part of the new bills when brou *Ibid.* § 8.

In all debts, agreements, &c. contracted between the September, 1776, and the twentieth of April, 1779, the empowered to diſcharge the ſame in the new bills of *(iſſued under June, 1780, ch. 8,)* or thoſe emitted by of June, 1780, ch. 24, by paying two thirds of the v the money lent or property ſold, ſuch value, (in the caſe ference,) to be aſcertained by perſons appointed by th where the debtor ſhould reſide. *Ibid.* § 9.

—— Unleſs the debt was for gold and ſilver or ſterli ney, or unleſs the contract was made and intended to prev payment of any of the ſaid bills. *Ibid.*

In caſes of debts, agreements, &c. (unleſs for gold, aforeſaid,) contracted on or ſince the ſaid twentieth o 1779, for continental currency, convention money, or bill by the acts of aſſembly under the old government, th empowered to diſcharge the ſame by bills as aforeſaid at of one for forty. *Ibid.*

—— The depreciation of ſuch new bills, if it ſho place, to be accounted for by the debtor. *Ibid.*

—— Provided, that if any perſon had refuſed or negl pay money lent after a demand made, or had broke his by neglecting to make payment for property at the time or had neglected to pay his debt at the time limitted, w time of payment was expreſsly agreed and underſtood part of the contract, this act ſhould not prevent the pa recovering damages equal to the loſs, to be aſſeſſed in money according to the value. *Ibid.*

PAPER MONEY.

l debts, &c. contracted thereafter for gold or ſilver, or
money, to be diſcharged agreeable to the bond, &c. and
tent of the parties. *Ibid.* § 10.
here any debt, &c. before the firſt of September, 1776,
been ſince renewed, and any bond, &c. given therefor, or
any debt, &c. had been, ſince the firſt of September,
created for gold or ſilver or ſterling money, the bills of
iſſued by congreſs, or under acts of the old government
ſelves of convention, not to be a tender or payment. *Ibid.*
premium offered on loans of the bills of credit therein
oned. *Ibid.* ch. 51, § 2.
tain payments for property ſold to be made in the bills of
as therein mentioned. May, 1781, ch. 20.
ls of credit, *(commonly called Red Money,)* directed to be
d to the amount of £. 200,000. *Ibid.* ch. 23, § 2.
Such bills not to be delivered out beyond the ſubſcripti-
nd bonds therein after mentioned, nor at any other value
t par with ſpecie. *Ibid.* § 5.
Appropriation of the ſaid bills. *Ibid.*
The bills to be kept and accounted for ſeparately from
money. *Ibid.* § 6.
Proviſion made for inſpecting the accounts, and deſtroy-
e bills brought in. *Ibid.* § 7.
The ſaid bills directed to be finally ſunk and deſtroyed
n the 25th of December, 1784, and the 25th of June,
and the then holders empowered to bring them in and re-
gold or ſilver to the value expreſſed, according to the ta-
rein mentioned. *Ibid.* § 8.
Puniſhment for forging ſuch bills, &c. *Ibid.* § 9.
A tax of 3/9 impoſed yearly for three years payable in
or the ſaid bills. *Ibid.* § 10.
Proviſion made for preventing depreciation by procuring
t of the ſubſcriptions as therein mentioned. *Ibid.* § 11.
Certain confiſcated property therein mentioned directed
ſold to ſecure the faithful and punctual payment of the
s. *Ibid.* § 12, 13, 14, 15, 17, 18.
Bonds directed to be ſet apart to ariſe from the lands
Principio company. *Ibid.* § 16.
Directions for taking ſubſcriptions to ſecure the punctu-
ent and redemption of the ſaid bills. *Ibid.* § 20, 21.
The accounts directed to be cloſed on the firſt of Octo-
84, and the payment of ſubſcriptions called for. *Ibid.* § 22.
Engagements reſpecting the payment to the ſubſcribers
the poſſeſſors of the bills. *Ibid.* § 23.
rate eſtabliſhed at which bills of credit were to be re-
in payment of taxes. *Ibid.* ch. 25, § 2, 5.
ctions for the ſale of confiſcated property pledged for the
ion of the bills of credit emitted by this ſtate. *Ibid.*
§ 1.
Any perſon empowered to bring in the ſaid bills and
from the treaſurer aſſignments of bonds taken for ſuch
. *Ibid.* § 2.
The commiſſioners to receive the purchaſe money in
or the ſaid bills, which were then to be delivered to the
er and cancelled. *Ibid.*
ain forfeited property directed to be ſold for ſpecie, or
ntal state money at the real value. *Ibid.* ch. 37, § 4.
ctions reſpecting the ſale of property pledged for the re-
on of the bills emitted under June, 1780, ch. 24. No-
1781, ch. 2, § 3.
for debts contracted as therein mentioned not to be
unleſs the debtor ſhould refuſe to pay the intereſt in gold
or in bills of credit. April, 1782, ch. 55, § 1, 4.
taxes and duties impoſed for the redemption of the bills
emitted in 1780 and 1781, repealed. November,
ch. 29.

PAPER MONEY.

Certain emiſſions therein mentioned to be received for ar-
rearages of taxes. 1784, ch. 55, § 8.
No execution to iſſue on bonds for the redemption of conti-
nental ſtate money before the firſt of January, 1787, unleſs ne-
ceſſary for the intereſt of the ſtate or the ſecurities, of both
which the treaſurer was to be the judge. 1785, ch. 84, § 3.
—— No proceſs to iſſue on the bonds taken for the emiſſion
of June, 1780, *(black state money,)* before the firſt of July,
1786, unleſs rendered neceſſary as aforeſaid. *Ibid.* § 4.
No proceſs to iſſue on the bonds taken for ſpecie pledged by
1784, ch. 55, to redeem the two emiſſions of ſtate and conti-
nental ſtate money, before the firſt of June, 1786, provided
the debtors paid in one half of their debts in ſpecie or ſtate or
continental ſtate money, in which caſe they were to have indul-
gence for the reſidue till the firſt of January, 1787. *Ibid.*
—— In caſe of neglect, after the firſt of June, 1786, pro-
ceſs to iſſue, and the money due on the ſaid bonds to be applied
to the redemption of the ſtate money. *Ibid.*
The two emiſſions of June, 1780, *(state and continental state
money,)* directed to be received by all collectors, and by the
treaſurer, (calculating the intereſt due thereon,) at par with
ſpecie, in payment of taxes due before the firſt of January, 1785,
and not appropriated by law. *Ibid.* § 5.
—— The collectors to give ſpecie receipts in payment of the
ſaid taxes in exchange for the ſaid emiſſions, and to be ſo in-
ſtructed by the governor and council. *Ibid.*
The treaſurer directed to apportion the balance among the
debtors, if the whole of the emiſſions ſhould not be brought in
by the time limitted, and to iſſue executions. *Ibid.*
—— The poſſeſſors of thoſe emiſſions empowered to bring
the ſame into the treaſury, and to take choice, and obtain an
aſſignment of any of the ſaid bonds, and to iſſue execution
thereon. *Ibid.*
No proceedings to be had on loan-office bonds till the further
order of the aſſembly. *Ibid.* § 6.
The agent of the ſtate empowered to ſuperintend the collecti-
on of balances due on bonds inſtalled, or otherwiſe, for the
emiſſions of the paper money of 1769 and 1773. 1799,
ch. 80, § 13.

PARDONS.

The governor may grant reprieves and pardons for any crime ex-
cept in ſuch caſes where the law ſhall otherwiſe direct. Conſt. 33.
The governor empowered to grant to any offender capitally
convicted a pardon on condition. November, 1787, ch. 17, § 2.
—— If a ſlave, and the condition be his leaving the ſtate,
the governor may direct the ſheriff to contract for the tranſporta-
tion of ſuch ſlave agreeably to the condition. *Ibid.* § 3.
—— Directions for the ſheriff in ſelling ſuch ſlave, and for
paying the owner, as if he had been executed. *Ibid.*
—— Perſons returning contrary to ſuch condition may be
arreſted and committed by any judge or juſtice. *Ibid.* § 4.
—— Puniſhment for ſo returning. *Ibid.*
If any criminal ſhall actually ſerve and labour the full time
appointed, ſuch ſervice and labour ſhall have the effect of a
pardon. 1793, ch. 57, § 15.

PARENT.

The child or children of a deceaſed child ſhall take ſuch ſhare
of the ſurplus of an inteſtate's eſtate as his or her deceaſed parent
would if alive be entitled to. 1798, No. 101, ch. 11, § 6.
—— When the father or mother ſhall take. *Ibid.* § 7, 10.

PARISHES.

An act for the better diviſion of Saint-Paul's and Shrewſ-
bury pariſhes. April, 1698, ch. 5.

Proviſion

I N D E X.

PARISHES.

Proviſion made for condemning land for pariſh churches. September, 1704, ch. 38, § 5.

An act for the diviſion of Saint-Paul's pariſh, in Prince-George's county. *Ibid.* ch. 96.

North Elk pariſh erected in Cæcil county. 1706, ch. 4.

The county courts empowered to regulate the bounds of pariſhes, and to have them recorded. 1713, ch. 10.

Part of Saint-Paul's pariſh, in Baltimore county, united to Weſtminſter pariſh, in Anne-Arundel county. 1722, ch. 3.

Notice to be fixed at the pariſh churches by commiſſioners for obtaining evidences as to the boundaries of lands. 1723, ch. 8, § 4.

The veſtry of Great Choptank pariſh, in Dorcheſter county, veſted with an eſtate in fee in the lands therein mentioned. 1725, ch. 9.

—— The ſaid pariſh divided, and a new one erected, by the name of Saint-Mary White Chapel Pariſh. *Ibid.* ch. 10.

Saint-John's pariſh, in Prince-George's county, to be divided, and a new one erected, by the name of Prince-George's Pariſh. 1726, ch. 6.

Queen-Caroline pariſh erected out of that part of Saint-Paul's pariſh lying in Anne-Arundel county, and out of All-Hallows pariſh and Saint-Anne's pariſh therein. 1728, ch. 15.

Saint-Paul's pariſh, in Queen-Anne's county and part of Talbot county, divided, and a new pariſh erected, by the name of Saint-Luke's. *Ibid.* ch. 19.

The entail cut off from the land in Queen-Caroline pariſh, in Anne-Arundel county, on which the church was built. April, 1737, ch. 12.

Saint-Paul's pariſh, in Baltimore, divided, and a new one erected, by the name of Saint-Thomas's. 1742, ch. 15.

Prince-George's pariſh, in Prince-George's county, divided, and a new one erected, by the name of All-Saints Pariſh. *Ibid.* ch. 18.

Saint-Stephen's, alias North Saſſafras pariſh, in Cæcil county, divided, and a new one erected, by the name of Auguſtine Pariſh. 1744, ch. 3.

Saint-Mary's county to be divided into four pariſhes. *Ibid.* ch. 14.

—— A ſupplement. 1745, ch. 4.

That part of All-Faith and King and Queen pariſh lying in Charles county erected into a diſtinct pariſh, by the name of Trinity Pariſh. 1744, ch. 14, 1745, ch. 4.

All-Hallows pariſh, in Worceſter county, to be divided, and a new one erected, by the name of Worceſter Pariſh. 1744, ch. 24.

The bounds of King and Queen pariſh, in Saint-Mary's county, aſcertained, and the ſame, and All-Faith pariſh, to be made complete pariſhes. 1748, ch. 4.

Saint-Paul's pariſh, in Queen-Anne's and Talbot counties, divided, and a new one erected, by the name of Saint-John's. *Ibid.* ch. 13.

Land to be ſecured for King-George's pariſh, in Prince-George's county, to build a chapel of eaſe on. *Ibid.* ch. 16.

The glebe-land in Saint-Paul's pariſh to be ſold, and the money applied to the purchaſe of land in Baltimore-town. 1749, ch. 6.

Land to be purchaſed for Saint-George's pariſh, in Baltimore county. 1750, ch. 7.

Certain extra parochial lands in Worceſter county annexed to the pariſh of All-Hallows. 1751, ch. 5.

Land to be ſold by the veſtry of Durham pariſh, in Charles county, and other land to be purchaſed for a glebe. *Ibid.* ch. 6.

Land to be purchaſed for Coventry pariſh, in Somerſet and Worceſter counties, to erect a chapel of eaſe on. 1762, ch. 16.

PARISHES.

—— The ſame for Saint-Paul's pariſh, in Baltimore co *Ibid.* ch. 25.

A church to be built in Saint-James's pariſh, in Anne-A del county. *Ibid.* ch. 28.

The pariſh of Saint-Margaret's Weſtminſter, in Anne-A del county, empowered to ſell land, and to purchaſe other la a glebe. 1763, ch. 20.

Cheſter pariſh erected out of Saint-Paul's and Shrewſbur riſhes, in Kent county. November, 1765, ch. 32.

The bounds and limits of Saint-Luke's, Chriſt Churc Saint-John's pariſhes, in Queen-Anne's county, and of S Paul's pariſh, partly in Queen-Anne's county and partly in bot county, eſtabliſhed and laid out anew. *Ibid.* ch. 37.

Saint-John's pariſh, in Baltimore county, divided, and a one erected, by the name of Saint-James's Pariſh. Septe 1770, ch. 18.

All-Saints pariſh, in Frederick county, divided, and tw pariſhes erected, by the names of Eden Pariſh and Fred Pariſh. November, 1770, ch. 9.

The veſtry of Saint-Paul's pariſh, in Baltimore county powered to exchange certain lands therein mentioned for t of ſaid pariſh, and to leaſe out other land, the rents to b plied to the uſe and maintenance of a miniſter. Nove 1779, ch. 22.

The veſtry, &c. of Shrewſbury pariſh, in Kent county powered to ſell the glebe-land. April, 1783, ch. 14.

The glebe-land of Saint-Mary-Anne's pariſh, in Cæcil co directed to be ſold. 1784, ch. 19.

A patent directed to iſſue to the veſtry of Saint-Mary-A pariſh, in Cæcil county, for four acres of land therein men to be held to the uſe of the ſaid pariſh. 1789, ch. 31.

The veſtry of Saint-Paul's pariſh, in Baltimore county mitted to receive a grant of the land and for the uſes an poſes therein mentioned. 1790, ch. 4.

The right of the ſtate in certain ground therein mention leaſed to Saint-James's pariſh, in Baltimore county. 1791,

Commiſſioners appointed to ſell ground belonging to St pariſh, in Somerſet county, and to apply the money. *Ibid.*

The veſtry of Saint-Michael's pariſh, in Talbot county powered to exchange the lands therein mentioned. *Ibid.* c

The veſtry of Great Choptank pariſh empowered to ſell t verſion of a lot in Cambridge, in Dorcheſter county. *Ibid.* ch

All-Saints pariſh, in Montgomery, Frederick, Waſhi and Allegany counties, divided, and a new one erected, called Saint-Peter's. November, 1792, ch. 31.

The title of the ſelect veſtry of Saint-John's pariſh, in P George's county, confirmed, in and to three acres of grou the ſaid pariſh. 1793, ch. 72.

A new pariſh erected, to include the city of Waſhi and George-town and its addition, and to be called Waſhing Pariſh. 1794, ch. 20.

The veſtry of Saint-Paul's pariſh, in Baltimore county, em to purchaſe three acres of ground for the erection of churche *Ibid.* ch. 44.

The veſtry of Saint-James's pariſh, in Anne-Arundel co empowered to ſell the tract of land therein mentioned, a purchaſe another as a glebe for the rector. 1795, ch. 41.

The veſtry of Chriſt Church pariſh, in Calvert county, em to ſell the land therein mentioned, and apply the money. ch. 14.

The veſtry of William and Mary pariſh, in Charles co empowered to ſell the negroes belonging thereto, and to the money in real or perſonal property. *Ibid.* ch. 47.

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PERJURY.

Any person corruptly procuring a witness to commit p in any matter depending in a court of record, or subo witness to be sworn, *in perpetuam rei memoriam*, on being fully convict to forfeit £. 40 0 0, or, not having goods value, to suffer one year's imprisonment without bail, an one hour in the pillory. 1692, ch. 16, § 2.

Any person convict of wilful and corrupt perjury, by su tion or otherwise, in a court of record, or *in perpetuam moriam*, to forfeit £. 20 0 0, and suffer six months sonment without bail, or, not having goods to the va be set in the pillory, and have both ears nailed thereto § 4.

—— No person, convict as aforesaid, to be received as ness in any court of record till such judgment be reve which case he shall recover damages against the person pr such judgment, by action on the case. *Ibid.* § 3, 4.

—— The above fines to be recovered by action of deb &c. one half to the state, and the other to the informe therefor. *Ibid.*

False swearing, under the act for the advancement of to be punished as wilful perjury. 1763, ch. 23, § 11.

If any senator, delegate, or member of the council, sha or execute any office of profit, or receive, directly or ind at any time, the profits, or any part of the profits, of an exercised by any other person, during his acting as sen delegate, or member of the council, his seat, on conv shall be void, and he shall suffer the punishment for wil corrupt perjury, or be banished this state for ever, or disq for ever from holding any office or place of trust or pr the court may adjudge. Const. 39.

If any governor, chancellor, judge, register of wills, ney-general, register of the land-office, commissioner loan-office, register of the chancery court, or any clerk common law courts, treasurer, naval-officer, sheriff, surv auditor of the public accounts, shall receive, directly or in ly, at any time, the profits, or any part of the profits, office held by any other person during his acting in the o which he is appointed, his election, appointment and com on conviction in a court of law, shall be void, and he sh fer the punishment for wilful and corrupt perjury, or be b this state for ever, or disqualified for ever from holding an or place of trust or profit, as the court may adjudge. *Ib*

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Executors and administrators empowered to commen prosecute any personal action which the testator or i might, except actions of slander, and for injuries or tor to the person. 1798, No. 101, ch. 8, § 5.

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PERSONAL ESTATE.

Directions reſpecting the appraiſement of the perſonal eſtates deceaſed perſons. 1798, No. 101, ch. 6.

See APPRAISERS.

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When it is neceſſary, under a will, to retain the perſonal te, or a part thereof, (after the payment of debts,) as where cy or ſome other thing is directed to be paid at a diſtant od, or upon a contingency, the court of chancery, or the ans court, ſhall have power to decree or give directions rela- thereto. *Ibid.* ch. 10, § 11.

low diſtribution ſhall be made of the ſurplus of an inteſtate's ſonal eſtate. *Ibid.* ch. 11.

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very man hath a right to petition the legiſlature for the re- of grievances in a peaceable and orderly manner. Decl. 11.

n a petition to the general aſſembly to confirm a title to within this ſtate, or for any other purpoſe, the right of the oner ſhall not be invalidated by any means till the end of ſſion. 1794, ch. 45.

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e aſſociate juſtice may direct proceſs to iſſue on any petition mplaint. 1796, ch. 43, § 5.

— May take recognizances for the appearance and ſecurity y perſon or perſons who have filed or may file petitions for om. *Ibid.*

o petition for freedom ſhall originate in the general court, in the county court where the petitioner reſides, under the tion of his owner. *Ibid.* ch. 67, § 21.

— The proceſs to be iſſued to the county where the owner es. *Ibid.*

— Either party may apply for a trial by jury, which ſhall harged as the law directs, &c. *Ibid.* § 22.

— Either party may challenge peremptorily twelve jurors mnelled, and for want of a ſufficient number, a *tales*, at the r of either party ſhall be awarded. *Ibid.* § 24.

— An appeal allowed as to matters of law only to the ral court, and bills of exception to be taken. *Ibid.* § 23.

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Not to be appointed commiſſioners of the tax. 1797, ch. 89, § 2.

—— Manner of their being licenſed to practiſe. 1798, ch. 105.

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PILOTS.

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A board appointed in Baltimore to examine perſons deſiring to be admitted as pilots. November, 1787, ch. 26, § 2.

The board empowered to grant one of three kinds of warrants of appointment and licence, according to the qualification. *Ibid.*

—— Such licence ſhall authoriſe them, for one year, to pilot veſſels of the draught to be therein mentioned, and they ſhall thereafter be reputed lawful pilots. *Ibid.*

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—— Qualifications as to ſervice or apprenticeſhip required before a licence can be granted. *Ibid.* 1790, ch. 27, § 3.

—— Fees to be paid for licences. *Ibid.* 1790, ch. 27, § 5, 6.

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—— Penalty on piloting veſſels contrary to the directions herein contained. *Ibid.*

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—— The pilot to pay ſuch perſon half the fees. *Ibid.*

Not more than three pilots to be in partnerſhip, under the penalty of £. 100 each. *Ibid.* § 7.

Pilots on receiving their warrants to give bond with ſecurity for the diſcharge of their duty. *Ibid.* § 8.

The board may make rules, &c. for the government and regulation of pilots licenſed by them, and may ſuſpend or deprive them of their licences for acting contrary thereto. *Ibid.* § 9.

—— Penalty on their acting while ſo ſuſpended or deprived. *Ibid.*

Every maſter of a merchant veſſel drawing nine feet water or upwards, coming from ſea, ſhall be obliged to receive the firſt pilot who offers below the Horſe-Shoe, to conduct his veſſel. *Ibid.* § 10.

—— He ſhall continue him to his firſt port of diſcharge, or pay him half pilotage to the firſt port. *Ibid.*

—— Every maſter of ſuch veſſel going to ſea ſhall be obliged to receive a pilot, and continue him to the capes, or pay half pilotage thereto to the firſt applicant. *Ibid.*

The maſter of every veſſel having no pilot, who ſhall follow another veſſel that has a pilot on board, ſhall pay him half pilotage. *Ibid.*

—— Directions

PILOTS.

—— Directions reſpecting veſſels not belonging to citizens. 1790, ch. 27.

Pilots and their apprentices to be exempt from militia duty. November, 1787, ch. 26, § 10, 19.

Pilots ſtanding out to ſea ſhall offer their ſervices to the veſſel neareſt the land or in moſt diſtreſs, under the penalty of £. 20. *Ibid.* § 11.

—— Pilots, (not hindered by ſickneſs, &c.) refuſing to go on board any veſſel when required, ſhall forfeit £. 50. *Ibid.*

—— In either caſe they may be ſuſpended by the board. *Ibid.*

Pilots, on offering their ſervice, ſhall produce and ſhew to maſters of veſſels their warrant of appointment and licence, under the penalty of £. 5. *Ibid.*

Pilots convicted of loſing, negligently or careleſsly, any veſſel under their care, ſhall be incapable of acting as pilots, and be liable to an action for damages. *Ibid.* § 12.

Pilots running a veſſel on ſhore ſhall be entitled to no pilotage. *Ibid.*

—— If by negligence, they ſhall be liable to an action for damages. *Ibid.*

The rates of pilotage eſtabliſhed. *Ibid.* § 13, 1790, ch. 27, § 4.

Additional allowance to be made for touching at Hampton Roads or at Annapolis for any other cauſe than diſtreſs of weather. November, 1787, ch. 26, § 14.

Pilots obliged, when they receive their pilotage, to produce a copy of this act to the maſter. *Ibid.* § 15.

—— Penalty on neglect or refuſal. *Ibid.*

Wages, &c. to be paid to pilots who may be carried to ſea againſt their inclination. *Ibid.* § 16.

Pilots refuſing on notice to aid any veſſel in diſtreſs within ſix leagues to the ſouthward of Cape Henry, or to the eaſtward of Cape Charles, or in Cheſapeake bay, on proof thereof before the board, ſhall be rendered incapable of ſerving. *Ibid.* § 17.

Allowance to be made to pilots for detention by maſters not being ready to proceed according to their notice. *Ibid.* § 18.

Every pilot ſhall, within three months after obtaining his warrant, take at leaſt one white apprentice, and inſtruct him in the art of piloting. *Ibid.* § 19.

—— Such apprentice to have freedom dues, and the uſual allowance, at the expiration of his time, and to be exempt from militia duty. *Ibid.*

Regulations reſpecting the piloting of veſſels bound to Virginia. *Ibid.* § 20.

All contracts made between the maſter of any veſſel in diſtreſs and any pilot ſhall be void, but the pilot ſhall be entitled to a reaſonable reward for his aid, &c. *Ibid.* § 21.

Directions for filling vacancies in the board. *Ibid.* § 22.

—— For providing the board with copies of this act, to be delivered to the pilots. *Ibid.* § 23.

A board appointed at George-town, on Patowmack, for the ſame purpoſe, and with the ſame powers, (within the limits therein mentioned,) as are expreſſed in the above act. 1790, ch. 27.

Penalty on pilots conducting veſſels contrary to the directions of the act to appoint a health officer for the port of Baltimore. 1793, ch. 56, § 5.

PLANTATION UTENSILS.

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To be valued by the aſſeſſors and collectors at 8/4 per ou 1797, ch. 89, § 1.

The orphans court empowered to order the ſale of plate, belonging to wards. 1798, No. 101, ch. 12, § 12.

PLEAS AND PLEADING.

Acts under which the party may plead the general iſſue, give ſuch acts and the ſpecial matter in evidence. 1719, c 1720, ch. 24, 1723, ch. 16, 1768, ch. 4, ch. 29, Febr 1777, ch. 15, October, 1778, ch. 21, 1791, ch. 8, ch. ch. 27, ch. 49, 1793, ch. 5, ch. 9, ch. 53, 1794, ch. 1796, ch. 18, 1797, ch. 11, ch. 89, 1798, ch. 51, ch ch. 63, 1799, ch. 33.

No plea, except the general iſſue, ſhall be allowed in ſui the ſtate, unleſs verified by the affidavit of the party or o wife, and no demurrer ſhall be allowed to any declaration b ſtate for want of form. March, 1778, ch. 9, § 4.

On the return of an execution on a forfeited recogni the party may plead any plea which would have been good *ſcire facias*. April, 1782, ch. 42, § 2.

The plea of *non est factum* not to be received in ſuits o adminiſtration, teſtamentary or ſheriff's bond, unleſs verifi affidavit of the party. October, 1778, ch. 20, § 5.

Defendants empowered to plead diſcount to the clai plaintiffs. 1785, ch. 46, § 7.

On the appearance of the adminiſtrator, &c. to actions would have abated by the death of either party, the court ſuffer pleas by the deceaſed to be withdrawn, and other pl be put in, and may ſuffer proceedings by either party to b rected or altered, and direct proceedings ſo as to bring the fairly to trial. *Ibid.* ch. 80, § 1.

The plea of *non est factum* ſhall not be received unleſs fied by affidavit or affirmation, or unleſs the defendant, heir, executor or adminiſtrator, obtain leave from the cou ſhewing juſt cauſe, to put in ſuch plea. *Ibid.* § 3.

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The attorney-general directed to plead to ſuits brought a the ſtate. *Ibid.* ch. 53.

To every attachment iſſued under the ſupplement to t directing the manner of ſuing out attachments, &c. th niſhee may plead on behalf of the defendant ſuch plea o as the ſaid defendant might or could do if he had been tak the ſheriff under the writ of *capias ad respondendum*, a appeared to the ſame. 1795, ch. 56, § 4.

Executors or adminiſtrators need not plead *plene adminis* or any thing relative to the aſſets. 1798, No. 101, § 7.

In the ſuits therein mentioned againſt executors or admi tors, they may plead this act in bar, together with the g iſſue, or other plea proper to bring the merits of the trial. *Ibid.* § 18.

It ſhall not be conſidered as the duty of an executor o niſtrator to avail himſelf of the act of limitation to ba he ſuppoſes to be a juſt claim, but the ſame ſhall be lef honeſty and diſcretion. *Ibid.* ch. 9, § 9.

PLENARY PROCEEDING.

The orphans court empowered to direct a plenary proc by bill or petition. 1798, No. 101, ch. 15, § 16.

—— Manner of proceeding and of appeal from any ment, &c. thereon. *Ibid.* § 17, 18.

PLENE ADMINISTRAVIT.

Not neceſſary to be pleaded by executors or adminiſtrators. 98, No. 101, ch. 8, § 7.

PLOTS.

Actions of ejectment to be continued if the plots are defec-, or not returned. November, 1787, ch. 9, § 4.

ee CONTINUANCE. LAND and LAND-OFFICE.

POCOMOKE.

The compact made with Virginia by commiſſioners, to regu- and ſettle the juriſdiction and navigation of Pocomoke ri- confirmed. 1785, ch. 1.

ooks to be opened for a ſubſcription, not to exceed 11,000 rs, to be divided into ſhares of 50 dollars each. 1796, 17, § 2.

— The liſts of ſubſcribers to be recorded in the general t of the eaſtern ſhore. *Ibid.*

— The ſubſcribers, (when the ſaid capital is ſubſcribed,) porated, by the name of "The Pocomoke Company," em- red to ſue and be ſued, &c. *Ibid.* § 3.

viſion for chooſing a preſident and directors, and removing , and for voting according to ſhares in perſon or by proxy. § 3, 6.

e preſident and directors empowered to agree for cutting , erecting locks, &c. for opening the navigation of Poco- river, in the manner therein mentioned, and to apply the for that purpoſe. *Ibid.* § 4, 5.

e preſident and directors to take an oath for the due exe- of their offices. *Ibid.* § 7.

ctions for general meetings, making reports, &c. *Ibid.*

viſion for agreeing with the owners of adjoining lands, and ning them if neceſſary. *Ibid.* § 9.

d, not exceeding one acre, to be agreed for or condemned near the place of receipt of tolls, for erecting neceſſary gs. *Ibid.* § 10.

ctions as to mill-ſeats, &c. through which the canal may ducted. *Ibid.* § 11.

nner of transferring ſhares by deed or deviſe. *Ibid.* § 12.

— Such deed or deviſe to be exhibited to the directors, and red in the company's books, before any profit can be drawn r. *Ibid.*

— Reſtriction under which ſuch transfers are to be made.

ſcriptions to be received from perſons not in the corpora- *Ibid.* § 13.

viſion for increaſing the capital. *Ibid.* § 14.

e works and canals, with their profits, veſted in the pro- as tenants in common, as real eſtate, and clear of any *Ibid.* § 15.

ain tolls to be demanded by the preſident and directors on nditions therein mentioned. *Ibid.* § 15, 17.

e books to be open to the inſpection of the general aſſem- any perſon appointed by them. *Ibid.* § 16.

e company not entitled to any benefit, unleſs the work is within three years. *Ibid.* § 18.

the intereſt in the company at and between Snow Hill and ell's bridge to be forfeited, unleſs the works between thoſe hall be completed in ten years. *Ibid.* § 18, 22.

es in the ſaid river or canal declared to be nuiſances, and for erecting them. *Ibid.* § 19, 20.

ctions for receiving part of the tolls before the work is ed. *Ibid.* § 21.

directors empowered to propoſe a ſcheme of a lottery to ſum not exceeding 15,000 dollars, in caſe a ſufficient uld not be raiſed by ſubſcription. *Ibid.* § 23, 24, 25.

POCOMOKE.

The river to be a public highway, on payment of the tolls allowed, and no other tolls to be impoſed without the conſent of the legiſlature. *Ibid.* § 26.

POLLS.

The polls at the elections therein mentioned ſhall be carried on without interruption or adjournment, ſo that the whole ſhall be concluded in one day. 1799, ch. 50, § 8.

Books of the polls of elections ſhall be lodged with the county clerks for ſafe cuſtody. *Ibid.* § 15.

POLL TAX.

The levying taxes by the poll is grievous and oppreſſive, and ought to be aboliſhed. Decl. 13.

POOR.

The legiſlature may, in their diſcretion, lay a general and equal tax for the ſupport of the Chriſtian religion, leaving to each individual the power of appointing the payment over of the money collected from him to the ſupport of any particular place of worſhip or miniſter, or for the benefit of the poor of his own denomination, or the poor in general of any particular county. Decl. 33.

An act for the relief of the poor in the ſeveral counties therein mentioned, to wit: Anne-Arundel, Prince-George's, Worceſter, Frederick and Charles counties. 1768, ch. 29.

Proviſions reſpecting the poor in Frederick county. November, 1770, ch. 7, 1771, ch. 18, October, 1777, ch. 6.

Acts relating to the levy and poor of Anne-Arundel county. 1771, ch. 36, November, 1773, ch. 9, 1785, ch. 7.

An act for their relief in Saint-Mary's county. November, 1773, ch. 18.

—— In Baltimore county. *Ibid.* ch. 30.

Acts for the relief of the poor in Talbot county. 1785, ch. 15, 1797, ch. 9.

—— In Dorcheſter and Somerſet counties. 1785, ch. 57, 1786, ch. 7, November, 1788, ch. 36, 1793, ch. 24.

The truſtees of the charity ſchool in Saint-Peter's pariſh, in Talbot county, empowered to convey the lands therein mentioned to the truſtees of the poor. April, 1787, ch. 24.

The penalties for hiring ſlaves to go to the informer, if the offence is proved without his teſtimony, otherwiſe to the poor of the county. *Ibid.* ch. 33.

An act for the relief of the poor in Kent county. November, 1787, ch. 11.

Acts for the relief of the poor of Harford county. *Ibid.* ch. 16, 1794, ch. 68.

Acts for the relief of the poor of Cæcil county. November, 1787, ch. 18, May, 1788, ch. 13, 1796, ch. 5.

The free-ſchool property of Dorcheſter county veſted in the truſtees of the poor as a fund for their relief, to be delivered to them by the viſitors thereof. May, 1788, ch. 6.

An act for the relief of the poor of Caroline county. November, 1788, ch. 14.

—— Of Queen-Anne's county. *Ibid.* ch. 15.

—— Of Calvert county. 1790, ch. 26, 1795, ch. 12, 1796, ch. 62, 1798, ch. 74.

Directions reſpecting the truſtees of the poor on the eaſtern ſhore. 1791, ch. 21.

A corporation eſtabliſhed for the relief of the poor in Baltimore-town, to conſiſt of one clergyman of each and every denomination reſident therein. November, 1792, ch. 54.

The truſtees of the alms-houſes of Dorcheſter and Somerſet counties empowered to place out children not exceeding three years of age to be nurſed till their arrival at that age, and to provide for their ſupport. 1793, ch. 24.

POOR.

The truſtees of the poor in any county, or any three of them, may bind out as apprentices any orphans or other poor children under their care in the poor-houſes. 1793, ch. 45, § 5.

—— The indentures to be lodged with the regiſter of the orphans court within thirty days, to be recorded, under the penalty of £. 3 0 0, to be recovered by preſentment, and applied to the uſe of the poor. *Ibid.*

See APPRENTICES.

An allowance for the poor to be included in the ordinary and neceſſary expences in each county, to be aſſeſſed by the levy courts, and collected by the perſons appointed. 1794, ch. 53, § 1.

—— On neglect of the collector to pay over money received for the poor, the county courts, on motion, on behalf of the truſtees, &c. may order a judgment to be entered, and an immediate execution to iſſue againſt the perſon or property of the collector, on the terms and in the manner therein preſcribed. *Ibid.* § 3.

—— Where the amount of the allowance to the poor-houſes is aſcertained by law, nothing in this act ſhall empower the levy court to increaſe it. *Ibid.* § 12.

Acts for the relief of the poor of Waſhington county. 1796, ch. 22, 1797, ch. 34.

The levy court of Somerſet county empowered to raiſe money to be paid to the truſtees of the poor for the purchaſe of land. 1797, ch. 18.

Salary to be paid to the overſeer in Baltimore. 1799, ch. 39.

The truſtees of the poor in the ſeveral counties empowered to keep any number of out penſioners not exceeding ten, and to allow to each an annual penſion not exceeding thirty dollars. *Ibid.* ch. 65.

PORTION.

If any child or deſcendant of an inteſtate ſhall have been advanced by ſuch inteſtate, by ſettlement or portion, the ſame ſhall be reckoned in the ſurplus, and if it be equal or ſuperior to a ſhare, ſuch child or deſcendant ſhall be excluded; and maintenance or edcucation, or money given without a view to a portion or ſettlement in life, ſhall not be deemed advancement. 1798, No. 101, ch. 11, § 6.

PORT-WARDENS.

Wardens appointed for the port of Baltimore. April, 1783, ch. 24.

—— A ſupplement. November, 1788, ch. 20.

—— The wardens enabled to collect the duty therein mentioned on all veſſels arriving. 1791, ch. 60.

POSTHUMOUS CHILDREN.

Any child or children born after the death, ſhall have the ſame right of inheritance of real eſtate as if born before the death of the inteſtate. 1786, ch. 45, § 3.

Poſthumous children of inteſtates ſhall take in the ſame manner as if they had been born before the death of the inteſtate, but no other poſthumous relation ſhall be conſidered as entitled to diſtribution in his or her own right. 1798, No. 101, ch. 11, § 14.

POT AND PEARL-ASH.

Inſpectors of pot and pearl-aſh to be appointed in Baltimore and George-town. November, 1792, ch. 65, § 2.

The inſpectors to appoint deputies. *Ibid.*

An oath directed to be taken. *Ibid.*

Manner of ſupplying vacancies. *Ibid.*

Penalty on ſuch officers vending, bartering or trading, in pot or pearl-aſh, during their continuance. *Ibid.*

POT AND PEARL-ASH.

Directions for inſpecting and ſorting pot and pearl-aſh. § 3.

Allowance to the inſpectors. *Ibid.* § 4.

Manner of ſettling diſputes, and having a review. *Ibid.*

Penalty on ſhipping or receiving pot and pearl-aſh not inſ ed and marked, or having the marks counterfeited, or that have been condemned. *Ibid.* § 6.

—— On perſons marking any caſk containing pot or p aſh, or altering the marks of the inſpector. *Ibid.*

The inſpectors empowered to enter on board and ſearch ſuſpected to have received pot or pearl-aſh for exportation trary to this act. *Ibid.* § 7.

—— Penalty on reſiſting ſuch inſpectors. *Ibid.*

Manner of ſeizing and condemning pot or pearl-aſh ſhi or brought to any wharf, &c. to be ſhipped, contrary to thi *Ibid.* § 8.

The inſpectors to provide warehouſe, ſcales, &c. and paid for the ſtorage. *Ibid.* § 9.

Manner of recovering the fines. *Ibid.* § 10.

POUNDAGE FEES.

The poundage fees to the ſheriff on executions and a ments eſtabliſhed. November, 1779, ch. 25, § 4, 5, 1790, c

See OFFICERS FEES. SHERIFFS.

POWDER.

See GUNPOWDER.

PREACHER.

Every gift, ſale or deviſe, to any miniſter or preacher a and every deviſe of goods or chattels to or for the ſup any miniſter or preacher as ſuch, declared void, witho leave of the legiſlature. Decl. 34.

No miniſter or preacher of any denomination ſhall have in the general aſſembly or council of this ſtate. Conſt. 3

See MINISTERS.

PREFERENCE.

After judgments and decrees, all other juſt claims aga eſtate of a deceaſed perſon ſhall be admitted to a diſtribu an equal footing, without priority or preference. 1798, N ch. 8, § 17.

PREROGATIVE.

The governor ſhall not, under any pretence, exerc power or prerogative by virtue of any law, ſtatute or cu England or Great-Britain. Conſt. 33.

PREROGATIVE-OFFICE.

Acts reſpecting the removal of original papers in the rogative-office to the ſeveral counties in this ſtate. 1783, ch. 9, May, 1788, ch. 9.

PRESBYTERIANS.

An act to incorporate the preſbyterian church in th Baltimore. 1797, ch. 58.

PRESENTMENT.

Penalty on iſſuing criminal proceſs without a pre firſt found, or an order of the court. 1715, ch. 48, §

—— On exhibiting any bill of indictment to a gr without an order from the court or one of the juſtices, the offender be bound over to ſuch court, or preſent grand jury of their own knowledge. 1722, ch. 5.

One aſſociate juſtice may direct proceſs to iſſue on ſentment or indictment. 1796, ch. 43, § 5.

I N D E X.

PRESENTMENT.

—— May receive any preſentment or indictment from the grand jury, and take recognizances for the appearance of any perſon preſented or indicted, and may commit any perſon preſented or indicted for want of ſecurity. *Ibid.*

PRESIDENT AND VICE-PRESIDENT.

Directions for appointing electors to chooſe the preſident and vice-preſident of the United States. 1795, ch. 73, 1799, ch. 50, § 8, 16.

See ELECTIONS.

PRESS.

The liberty of the preſs ought to be inviolably preſerved. Decl. 38.

PRINCE-GEORGE's COUNTY.

Prince-George's county conſtituted as therein deſcribed. May, 1695, ch. 13.

The town of Bladenſburg erected. 1742, ch. 13.

—— Regulations reſpecting the ſame. 1744, ch. 13.

Prince-George's pariſh divided, and a new one erected, by the name of All-Saint's Pariſh. 1742, ch. 18.

The town of Upper-Marlborough to be laid out anew. 1744, ch. 25.

Part of the county taken off and added to Charles county. 1748, ch. 14.

Prince-George's county divided, and Frederick county erected. *Ibid.* ch. 15.

An act reſpecting King-George's pariſh. *Ibid.* ch. 16.

Acts for the relief of the ſecurities of Thomas Williams. 1784, ch. 43, 1785, ch. 30, 1786, ch. 26.

The levy court empowered to raiſe money annually for the ſupport of James Ranter, a lunatic. 1785, ch. 59.

The ſecurities of John Beall, former collector, enabled to complete the collection. 1790, ch. 56, 1791, ch. 35, November, 1792, ch. 33.

The levy court empowered to raiſe money annually for the ſupport of Mary Brown and Eleanor Love during their ſtate of lunacy. 1791, ch. 56.

Directions for valuing the lot or lots of ground in Upper-Marlborough, on which the inſpecting-houſe ſtands, and for paying the proprietor thereof. 1793, ch. 4.

—— For valuing the lot of ground in Queen-Anne where a warehouſe ſtands, and paying the proprietor. 1795, ch. 9.

The adminiſtratrix and ſecurities of William John Jackſon, late ſheriff, empowered to collect the balances due to him. *Ibid.* ch. 53.

A bridge to be erected over the Eaſtern Branch of Patowmack river. *Ibid.* ch. 62.

—— The county court directed to charge the grand jury to inquire into the breaches of the above act. *Ibid.* § 9.

Compenſation to be made by Anne-Arundel and Prince-George's counties to certain commiſſioners appointed to lay out land between the city of Waſhington and Annapolis. 1797, ch. 26.

Directions reſpecting the valuation of the lands in that part of the federal city which lies in Prince-George's county. *Ibid.* ch. 89, § 8.

The levy court authoriſed to raiſe money as an additional compenſation for J. T. Boucher, one of the aſſeſſors. 1798, ch. 46.

Geeſe and ſwine prevented from going at large in the towns of Upper-Marlborough and Nottingham. *Ibid.* ch. 63.

The levy court authoriſed to raiſe money for repairing the old court-houſe, or building a new court-houſe and gaol. *Ibid.* ch. 104.

PRINCE-GEORGE's COUNTY.

—— Empowered to pull down the repoſitory of the records of the regiſter of wills. 1799, ch. 62.

An act for the adjournment of the county court. *Ibid.* ch. 23.

The average value of lands eſtabliſhed at 31/6 per acre. 1785, ch. 53, § 2.

Saint-Mary's, Calvert, Prince-George's and Charles counties, form the firſt diſtrict for holding county courts. 1796, ch. 43, § 2.

—— Prince-George's county court to be held the firſt Mondays in April and September. *Ibid.* § 3.

Prince-George's and Anne-Arundel counties, including the city of Annapolis, form the ſecond diſtrict for the election of repreſentatives in congreſs. 1791, ch. 62, § 1, 2.

Prince-George's and Montgomery counties form the ſecond diſtrict for appointing electors to chooſe the preſident and vice-preſident. 1795, ch. 73, § 1.

Prince-George's county to be laid off into five ſeparate diſtricts for holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiſſioners appointed to lay off the ſaid diſtricts, and to fix the place of holding the elections in each. 1799, ch. 50, § 20.

PRINCIPAL.

The principal of a ward's eſtate may be uſed, and a part of it ſold for his maintenance or education, by allowance of the orphans court. 1798, No. 101, ch. 12, § 10.

See GUARDIANS.

PRINTER.

The clerk of the ſenate and houſe of delegates to furniſh the printer of the ſtate with a correct copy of their votes and proceedings, and the ſeveral laws and reſolutions, paſſed at each ſeſſion, within thirty days therefrom, and to take a receipt therefor. 1790, ch. 51, § 2.

—— The printer directed to print the ſaid laws, &c. in the manner and to the number therein mentioned, and depoſit them, (packed up, ſealed and directed,) in the council chamber, with the clerk of the council, within ſixty days from the receipt of the original copies, and to take a receipt therefor, under the penalty of £. 50, and the forfeiture of his allowance or ſalary as printer to the ſtate. *Ibid.* § 3.

PRIORITY.

See PREFERENCE.

PRISONS.

The levy courts empowered to aſſeſs money for repairs to their reſpective county priſons not exceeding £. 150 in one year. 1794, ch. 53, § 4.

For other matters, ſee GAOLS.

PRIVATE LETTERS.

See LETTERS.

PRIVATE ROADS OR WAYS.

Every citizen of this ſtate ought to have a road and way to and from their farms and plantations to places of public worſhip and mills, market towns, public ferries and court-houſes. 1785, ch. 49, § 2.

—— The county courts empowered, on application, to direct the county ſurveyor to lay out any ſuch private road or way, and to make return thereof. *Ibid.* § 3.

—— If any perſon through whoſe land ſuch road may paſs, or the perſon applying, ſhould object to the running as returned,

PRIVATE ROADS or WAYS.

the court may make ſuch order as to the courſe of the road as they may think proper. *Ibid.*

—— After a road is ſo ſurveyed and laid out, the court ſhall direct the application and the return to be recorded, and determine the compenſation to the owner of the land, to be paid by the perſon applying. *Ibid.*

—— Such road ſhall thereupon be conſidered as the private way, and be kept open and repaired at the expence of ſuch perſon as ſhall uſe the ſame. *Ibid.*

—— Penalty on perſons obſtructing ſuch road. *Ibid.*

—— No ſuch road ſhall be made through any garden, yard, orchard or meadow. *Ibid.*

—— An appeal given to the general court, whoſe determination ſhall be final. *Ibid.*

PRIVILEGE.

Breach of privilege againſt the different branches of the legiſlature in the caſes therein mentioned may be puniſhed by them by impriſonment of the perſons guilty. Conſt. 12.

No aſſignment hereafter made of any bond, bill, penal or ſingle, promiſſory note or bill of exchange, to any perſon entitled to ſue by attachment of privilege, ſhall operate to enable ſuch perſon to ſue by attachment of privilege, but the ſaid aſſignee ſhall have the ſame remedy as perſons not entitled to ſue by attachment of privilege. 1799, ch. 29.

PROBAT.

Directions reſpecting the probats of deeds. 1725, ch. 8.

—— Of foreign and other debts, deeds, &c. 1785, ch. 46.

See EVIDENCE.

Fee to juſtices for taking probat of accounts. 1796, ch. 43, § 31.

—— Their duty to write and prepare all probats, &c. *Ibid.* § 32.

Directions reſpecting the probat of wills. 1798, No. 101, ch. 2.

See ORPHANS COURTS. WILLS.

PROCEDENDO.

When to be awarded on the return of a writ of *habeas corpus.* October, 1778, ch. 21, § 11.

See HABEAS CORPUS.

Directions for returning tranſcripts of the records with a writ of *procedendo* to the general or county courts on the reverſal of judgments from the ſaid courts reſpectively. 1790, ch. 42.

See APPEALS.

PROCESS CIVIL.

Any perſons in the ſtate may order out proceſs in their own names, without any titling from an attorney, and the clerks of the general and county courts ſhall, on application to them, iſſue ſuch writs, the parties demanding the ſame, (if nonreſidents of the ſtate,) giving ſecurity for their fees. 1716, ch. 20, § 2.

PROCESS CRIMINAL.

See PROSECUTION.

PROCLAMATION WARRANTS.

See LAND and LAND-OFFICE.

PROFIT.

No profit or loſs ſhall accrue to executors or adminiſtrators by the increaſe or decreaſe of the eſtate under their care. 1785, ch. 80, § 8, 1798, No. 101, ch. 8, § 2.

Guardians ſhall account for the profit and increaſe of the eſtates under their care, and ſhall not be anſwerable for any loſs or decreaſe ſuſtained without their faults. 1785, ch. 80, § 9, 1798, No. 101, ch. 12, § 9.

PROPERTY.

Every man having property in, a common intereſt with, an an attachment to, the community, ought to have a right ſuffrage. Decl. 5.

Property required as a qualification for voters. Conſt. 2.

—— For delegates. *Ibid.* 2, 4, 5.

—— For electors of the ſenate. *Ibid.* 14.

—— For ſenators. *Ibid.* 15.

—— For governor. *Ibid.* 30.

—— For members of the council. *Ibid.* 26.

—— For ſheriff. *Ibid.* 42.

—— For inſpectors of tobacco. 1789, ch. 26, § 5.

Property how to be valued and aſſeſſed. 1797, ch. 89.

See VALUATION of PROPERTY.

PROROGATION.

The governor ſhall not prorogue or diſſolve the general aſſembly at any time. Conſt. 29.

PROSECUTION.

No proceſs for any criminal matter or other miſdemeanor ſhall ſue out of any court without a preſentment firſt found by the gra jury, unleſs by a ſpecial order of the court. 1715, ch. 48, § 1,

—— Clerks not to iſſue ſuch proceſs without an order fro an attorney. *Ibid.* § 3.

No attorney-general, or clerk of the peace or of indictmen ſhall exhibit any bill of indictment to a grand jury without order from the court, or one of the juſtices, or unleſs the offe der be bound over to ſuch court, or preſented by the grand j of their own knowledge. 1722, ch. 5.

No proſecution or ſuit ſhall be commenced for any fine, pen ty or forfeiture, unleſs within one year from the time of the fence committed. February, 1777, ch. 6, § 1.

No proſecution or ſuit ſhall be commenced for any forfeit impoſed by this act, unleſs within one year from the time of offence committed. November, 1779, ch. 25, § 19.

No *nolle proſequi* ſhall be granted by the governor in caſe any proſecution by preſentment or indictment for the recovery any fine, penalty or forfeiture only. April, 1782, ch. 42,

All proſecutions and actions for the recovery of any pena or damages for any breach of the act to regulate the inſpect of tobacco ſhall be commenced within one year after the offe committed or damage done. 1789, ch. 26, § 63.

See LIMITATION of ACTIONS.

An appeal given to the general court from the judgment determination of a county court in any civil ſuit or action, any proſecution for the recovery of any penalty, fine or damag 1785, ch. 87, § 6, 1796, ch. 43, § 5.

The proſecution to be by indictment or action of debt in a which direct it to be by bill, plaint or information. Novemb 1792, ch. 20.

PROTEST.

Fees allowed to public notaries for drawing and recording p teſts. November, 1779, ch. 25, § 2, 3.

An act aſcertaining what ſhall be recovered on proteſted b of exchange. 1785, ch. 38.

See BILLS of EXCHANGE.

All inland bills of exchange or orders drawn by a citizen, of any other of the United States, or any perſon reſiding being therein, on any perſon, &c. of this ſtate, or reſiding being therein, ſhall be liable to official proteſt by a notary p lic, or the clerk of any county court. *Ibid.* § 2.

In caſe of a bill of exchange, the proteſt and other thi which would be required, (if the deceaſed were alive,) ſhall neceſſary to juſtify an executor or adminiſtrator in making p ment or diſtribution. 1798, No. 101, ch. 9, § 6.

I N D E X.

PROVISIONS.

Provisions neceſſary for the uſe and conſumption of the perſon to whom the land ſhall belong, and his family, not to be ſeized or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

Proviſions ſhall be conſidered as aſſets in the hands of an executor or adminiſtrator. 1798, No. 101, ch. 7.

PUBLIC CREDITORS AND DEBTORS.

Directions reſpecting proceſs, &c. againſt public debtors. October, 1778, ch. 20.

An act to adjuſt the debts due from this ſtate. May, 1781, ch. 17.

An act relating to public creditors. *Ibid.* ch. 36.

Acts reſpecting the ſettlement of the army accounts. October, 1780, ch. 38, May, 1781, ch. 20, ch. 35, November, 1781, ch. 26, April, 1782, ch. 33, November, 1782, ch. 33, April, 1783, ch. 28.

Acts for the liquidation and payment of debts againſt perſons convicted of treaſon. April, 1782, ch. 36, November, 1782, ch. 30, November, 1783, ch. 34, November, 1787, ch. 23.

An act to eſtabliſh funds to ſecure the payment of the ſtate debt within ſix years, and for the punctual payment of the annual intereſt thereon. 1784, ch. 55.

—— An act reſpecting the debtors and creditors of the ſtate under the above act. 1789, ch. 47.

Acts limitting the time for bringing in and ſettling claims againſt the ſtate. 1784, ch. 65, 1785, ch. 10, 1786, ch. 18.

Indulgence given to the ſtate debtors. 1784, ch. 55, § 7, 1785, ch. 63, ch. 84, 1790, ch. 41.

An act for the ſettlement of public accounts, and to appoint perſons to collect the debts due to perſons convicted of treaſon. 1790, ch. 49, § 7.

—— For the more effectual relief of the ſecurities of public debtors. *Ibid.* ch. 52.

—— To provide a remedy for creditors and others againſt the ſtate. *Ibid.* ch. 53.

Acts reſpecting a debt due from Archibald Buchanan. April, 1786, ch. 37, November, 1792, ch. 50, 1797, ch. 86.

An act reſpecting the creditors and debtors of this ſtate, requiring the former to ſubſcribe to the loan propoſed by congreſs. 1790, ch. 41.

Perſons having claims as therein mentioned againſt the ſtate empowered to inſtitute ſuits therefor in any court of law or equity. 1799, ch. 79, § 7, 8.

Power of the ſtate's agent reſpecting the public debtors. *Ibid.* ch. 80.

See AGENT.

PUBLIC LETTERS.

The ſeveral ſheriffs required to take care of all public letters and packets, and to convey them expeditiouſly according to their directions to the next ſheriff of the adjacent county, and to take receipts therefor, and endorſe the time of receiving them. 1790, ch. 51, § 5.

Public letters and packets defined: Packets containing the laws paſſed at any ſeſſion, the votes and proceedings of either houſe, endorſed for public ſervice, and ſigned by the clerk of the council;

All letters ſent by the governor, and endorſed for public ſervice, and ſigned by the clerk of the council;

All letters ſent by the preſident of the ſenate, and endorſed by the clerk of the ſenate for public ſervice, and ſigned by him;

All letters ſent by the ſpeaker of the houſe of delegates, and endorſed for public ſervice, and ſigned by him;

All joint letters ſent by the preſident and ſpeaker, endorſed for public ſervice, and ſigned by them;

All certificates of aſſeſſments and books of proceedings of commiſſioners of the tax, and endorſed by the clerks of the ſeveral counties on public ſervice, and ſigned by them;

All letters and packets ſent by any judge of the general court, and endorſed on public ſervice, and ſigned by him. *Ibid.* § 10.

—— The votes and proceedings, laws and reſolutions, of each ſeſſion, to be printed, packed up, and delivered in the manner therein mentioned to the ſheriff of Anne-Arundel county. *Ibid.* § 2, 3, 4.

Manner of forwarding them from the ſheriff of Anne-Arundel county to and by the ſeveral ſheriffs on the eaſtern ſhore. *Ibid.* § 6.

Manner of forwarding them from the ſheriff of Anne-Arundel county to and by the ſeveral ſheriffs on the weſtern ſhore. *Ibid.* § 7.

The ſheriffs, on receiving ſuch letters, to endorſe the time on the back, and give receipts when required. *Ibid.* § 8.

Sheriffs not entitled to the reward given by this act, without producing their receipts to the committee of claims. *Ibid.*

Penalty on their not complying with the act. *Ibid.*

Rewards allowed to the ſeveral ſheriffs for their trouble, out of which they are to defray their charges. *Ibid.* § 9, 1791, ch. 20.

Sheriffs to deliver public letters or packets within five days to the proper ſheriff as herein before directed, under the penalty herein before preſcribed. 1790, ch. 51, § 12.

Deputies to perform the duty in caſe of inability by ſickneſs or abſence of the ſheriff, and on refuſal or neglect to forfeit £. 15 0 0. *Ibid.* § 13.

Penalty on the clerks of courts delivering the acts of aſſembly, &c. to thoſe not entitled to them. *Ibid.* § 14.

Perſons convicted of wilfully breaking the ſeal of any letter or package belonging to the public, or directed to private perſons, forfeit £. 100 0 0. *Ibid.* § 11.

The governor and council to ſuperintend the faithful execution of this act. *Ibid.* § 15.

PUBLIC NOTARY.

The fees eſtabliſhed, to be paid when the ſervice is done. November, 1779, ch. 25, § 2, 3.

Proteſt of inland bills, as therein mentioned, may be made before a notary public, or the clerk of the county. 1785, ch. 38, § 2.

The power of the court or officer in any of the United States, or in a foreign country, adminiſtering an oath in proof of a deed, will, &c. may be certified by a notary public. *Ibid.* ch. 46, § 3.

An affidavit or depoſition to prove claims againſt the eſtate of a deceaſed perſon ſhall be good, if taken and certified by the notary of the place, or by ſome perſon there authoriſed to adminiſter an oath, and certified to be ſuch under the ſeal of the officers therein mentioned, or a notary public of ſuch place. 1798, No. 101, ch. 9, § 12.

QUAKERS.

QUAKERS, menoniſts, nicolites and tunkers, holding it unlawful to take an oath on any occaſion, ſhall be allowed to affirm in all caſes, which ſhall be of the ſame avail as an oath. Decl. 36, November, 1783, ch. 18, 1797, ch. 118, confirmed by 1798, ch. 83.

—— The court to be ſatisfied that the perſon is one of ſuch profeſſion. 1797, ch. 118, 1798, ch. 83.

Quakers, menoniſts, &c. being conſcientiouſly ſcrupulous of taking an oath, and being otherwiſe qualified and elected as ſenators, delegates or electors of the ſenate, or to any office of profit

QUAKERS.

profit or truſt, may make affirmation inſtead of taking the ſeveral oaths appointed by the conſtitution. 1794, ch. 49, confirmed by 1795, ch. 11.

Acts to prevent the irregularities complained of by the people called Quakers, and to prevent the evils attending the ſale of ſtrong liquors, and running horſe-races, near their meetings, and to prevent the tumultuous concourſe of negroes there. 1725, ch. 6, 1747, ch. 17, 1752, ch. 14.

Quakers empowered to marry, and make publication, in the manner before uſed and practiſed by the ſociety. February, 1777, ch. 12, § 3, 5.

—— Empowered, as a religious ſociety, to enjoy for ever the uſe of certain land in Eaſt and Weſt Nottingham. 1791, ch. 17.

Leave given to convey, to ſuch perſons as the ſociety ſhould direct, the land therein mentioned. November, 1792, ch. 12.

The truſtees of the ſociety of quakers empowered to hold a lot of ground in Baltimore, containing near four acres, for a meeting-houſe. 1793, ch. 20.

Quakers, &c. and perſons conſcientiouſly ſcrupulous of bearing arms, directed to be diſtinguiſhed in the liſts to be taken of perſons to ſerve in the militia. 1793, ch. 53, § 2.

—— Such perſons, refuſing to do militia duty, forfeit three dollars annually. 1798, ch. 100, § 7.

An affirmation by a quaker ſhall be as valid as an oath to qualify him to act as a ſurveyor or chain-carrier under the act for marking and bounding lands. 1793, ch. 70, § 5.

QUARANTINE.

An act to oblige infected ſhips and other veſſels coming into this *province* to perform quarantine. November, 1766, ch. 25.

The governor may order and compel any veſſel to ride quarantine, if ſuch veſſel, or the port from which ſhe ſhall have come, ſhall on ſtrong grounds be ſuſpected to be infected with the plague. Conſt. 33.

—— When the governor ſhall have ſtrong grounds to apprehend, from the information of phyſicians or otherwiſe, that there is danger of the plague, or other malignant contagious diſeaſe, being introduced into this ſtate from foreign parts, or from any of the United States, he may compel any veſſel coming to any of our ports, &c. to ride quarantine, and to forbid, either by land or water, all intercourſe or communication between this ſtate and the place affected, or to regulate ſuch intercourſe, and to take all meaſures, &c. neceſſary for giving effect to the objects of this act. 1793, ch. 34.

A health officer to be appointed by the governor and council for Baltimore-town, and powers given to him to oblige veſſels to perform quarantine. *Ibid.* ch. 56.

QUEEN-ANNE.

A lottery authoriſed to clear out the creek leading to Upper-Marlborough and Queen-Anne, in Prince-George's county. 1798, ch. 67.

QUEEN-ANNE's COUNTY.

Queen-Anne's county conſtituted, and the bounds thereof preſcribed. 1706, ch. 3.

A town to be erected, to be called Ogle-town, upon Cheſter. 1732, ch. 6.

A town to be erected, to be called King-town. *Ibid.* ch. 18.

A town to be erected, to be called Bridge-town. *Ibid.* ch. 24.

An act for the diviſion of Dorcheſter and Queen-Anne's counties, and for erecting Caroline county. November, 1773, ch. 10.

The bounds of the public ground at Queen's-town to be aſcertained. 1784, ch. 16.

A new court-houſe and gaol to be built. April, 1782, ch. 4, November, 1788, ch. 29, 1789, ch. 25.

QUEEN-ANNE's COUNTY.

An act for the relief of the poor. November, 1788, ch.

Proviſions for the draining of a marſh and branch, know the name of the Long Marſh, lying in Queen-Anne's and line counties. 1789, ch. 15, 1790, ch. 24.

Commiſſioners appointed for building the court-houſe and ſon, and proviſion made for filling vacancies. 1790, ch.

—— Money to be levied therefor. 1791, ch. 38.

The juſtices empowered to levy annually money for the of Rebecca Fowler. 1793, ch. 51.

The levy court authoriſed to ſell Wells's warehouſe and lot on which it was built. 1794, ch. 17, § 2.

—— Empowered to levy a compenſation for the u Browne's warehouſe, and the executor of the late inſpecto powered to deliver out the tobacco. *Ibid.* § 3.

A town to be erected, and called Centre-Ville. *Ibid.* c 1796, ch. 18.

The clerks, ſheriffs and regiſters of wills, obliged to hold offices and attend at the court-houſe, or within a quarter mile, every day except Sundays. 1794, ch. 25.

A bridge to be built over Tuckahoe creek. *Ibid.* ch.

Thomas O'Bryon, late ſheriff and collector of Queen-A county, empowered to collect the balances due to him. ch. 20.

The ſecurities of Thomas O'Bryon, late ſheriff and coll empowered to collect the balances due to him. 1796, c 1797, ch. 37.

An act for the deſtruction of crows and ſquirrels in Q Anne's county. 1797, ch. 5.

Acts for the building and regulation of a priſon. *Ibid.* c 1799, ch. 34.

An act relating to the records in the regiſter of wi clerk's office. 1797, ch. 88.

An act relating to the public roads. 1799, ch. 70.

The average value of land eſtabliſhed in Queen-Anne's c at 27*ſ.* per acre. 1785, ch. 53, § 2.

Cæcil, Kent, Queen-Anne's and Talbot counties, for ſecond diſtrict for holding county courts. 1796, ch. 43,

—— Queen-Anne's county court to be held the firſt M in May and the fourth Monday in October. *Ibid.* § 3.

Queen-Anne's, Caroline and Talbot counties, form the ſe diſtrict for the election of repreſentatives in congreſs. ch. 62, § 2.

Queen-Anne's and Talbot counties form the eighth diſtr appointing electors to chooſe the preſident and vice-pre 1795, ch. 73, § 1.

Queen-Anne's county to be laid off into three ſepara tricts for holding elections. 1798, ch. 115, confirmed by ch. 48.

—— Commiſſioners appointed to lay off the ſaid di 1799, ch. 50, § 20.

QUIT-RENT.

The citizens of this ſtate are, from the declaration o pendence, and ever after, exonerated and diſcharged fr payment of quit-rent to the ſubject of a foreign prince, a ſame is aboliſhed. March, 1780, ch. 18.

RANGERS.

REGULATIONS reſpecting rangers after horſes and 1715, ch. 31.

RATES.

The juſtices of the county courts to aſſeſs yearly, or the rates of liquors and accommodations to be vended b nary-keepers for the year enſuing. March, 1780, ch. 2

RATES.

— Such rates to be tranſcribed by the clerks, and ſet up the court-houſes. *Ibid.*

— A copy to be kept and ſet up by every ordinary-keeper, nder the penalty of 600 lbs. of tobacco. *Ibid.*

— Penalty for demanding or receiving more than the rates. *id.*

The juſtices of the county courts to aſcertain yearly, or oftener, e rates of ferriage. November, 1781, ch. 22, § 2.

— Such rates to be ſet up by perſons keeping ferry in their uſes, under the penalty of £. 5 0 0. *Ibid.*

— Fees to the clerk for taking the recognizance, making t the licence, and a fair copy of the rates. *Ibid.*

The rates of pilotage eſtabliſhed. November, 1787, ch. 26, 13, 1790, ch. 27, § 4.

The rates of labourers, horſes, &c. on the public roads, to be ed by the levy courts. 1794, ch. 52, § 3.

REAL ESTATE.

Real or perſonal property above the value of £. 500 0 0 re- ired as a qualification for members of the houſe of delegates, electors of the ſenate. Conſt. 2, 14.

— For ſenators, real and perſonal property above the value £. 1000 0 0. *Ibid.* 15.

— For the governor, real and perſonal property above the lue of £. 5000 0 0, whereof £. 1000 0 0 at leaſt to be of e-hold eſtate. *Ibid.* 30.

— For members of the council, a free-hold of lands and ements above the value of £. 1000 0 0. *Ibid.* 26.

— For the ſheriffs, real and perſonal property above the lue of £. 1000 0 0. *Ibid.* 42.

The canals and works of the Patowmack company to be deem- real eſtate. 1784, ch. 33, § 9.

— Same as to the Suſquehanna canal company. *Ibid.* 66, § 2.

— Same as to the Pocomoke company. 1796, ch. 17, 5.

An act to aſcertain the value of the land in the ſeveral coun- of this ſtate for the purpoſe of laying the public aſſeſſment. 85, ch. 53.

An act for the valuation of real and perſonal property within ſtate. 1797, ch. 89.

Directions reſpecting the real eſtates of infants committed to rdians. 1798, No. 101, ch. 12.

Deviſes of land, or any eſtate therein, ſhall be intended in bar dower, unleſs otherwiſe expreſſed. *Ibid.* ch. 13, § 1.

Widows to be barred of dower in ſuch lands, unleſs they re- nce in the manner therein preſcribed. *Ibid.* § 2.

— If the deviſe is of a part of both real and perſonal te, ſhe muſt renounce the whole, or be barred of both. *Ibid.* .

— If of only a part of the real or a part of the perſonal, hall bar her only of one, unleſs made expreſsly in lieu of both. d. § 4.

For other matters, ſee CHANCERY. CONVEYANCES. DE- NTS. VESTRIES. WILLS.

RECEIVERS OF STOLEN GOODS.

See CRIMES and PUNISHMENTS.

RECOGNIZANCE.

Limitation of time within which recognizances are pleadable. 15, ch. 23, § 6.

Directions for the recovery of forfeited recognizances. Fe- ary, 1777, ch. 13, 1795, ch. 74.

Form of the recognizance of bail. October, 1778, ch. 21, .

RECOGNIZANCE.

Recognizance to be entered into on obtaining a licence to keep ordinary. March, 1780, ch. 24, § 16, 1791, ch. 58, § 3.

— On obtaining a licence to keep ferry. November, 1781, ch. 21, § 2, 4, 5, April, 1782, ch. 31, 1791, ch. 65, 1799, ch. 83.

Directions reſpecting recognizances to be taken from the father of an illegitimate child, and for returning the ſame, &c. November, 1781, ch. 13, 1785, ch. 47, 1796, ch. 34.

See FORNICATION.

The whole or any part of a forfeited recognizance may be remitted by the governor and council, provided the caſe is ſtated in writing by the court, and a recommendation is made for a remiſſion of the whole, or ſome part, by the ſaid court. April, 1782, ch. 42, § 1.

— The members remitting ſuch recognizance ſhall cauſe the caſe of the party to be entered at large on their proceedings, and ſhall ſubſcribe their names thereto. *Ibid.*

On the return of an execution on a forfeited recognizance, the perſon may appear and plead any thing which he could have done on a *ſcire facias* iſſued thereon, and on ſuch plea being determined in his favour, he ſhall be diſcharged. *Ibid.* § 2.

On an execution on any recognizance forfeited for not attending as a witneſs in any caſe not capital, the court may, on motion, diſcharge ſuch perſon on ſuch terms as they may think proper. *Ibid.*

— A proviſo preſcribing certain ſecurity to be given, &c. *Ibid.*

A recognizance to be taken for the appearance of perſons travelling as hawkers or pedlers without licence. 1784, ch. 7, § 6, ch. 37, § 23.

Recognizance to be entered into on obtaining licence to retail ſpirituous liquors. *Ibid.* ch. 7, § 14, ch. 37, § 31, April, 1792, ch. 7, § 3, 4.

Forfeited recognizances to be paid to the treaſurers, and remain in their hands ſubject to the orders of the viſitors, &c. of Waſhington and Saint-John's college. 1784, ch. 7, § 4, ch. 37, § 21.

Recognizance to be taken from the maſters of apprentices to appear at court to anſwer their complaints. 1793, ch. 45, § 9.

— To be demanded and taken of maſters ſuſpected of deſigning to carry apprentices out of the ſtate. *Ibid.* § 11.

Directions reſpecting recognizances in the criminal court of Baltimore. *Ibid.* ch. 57, § 16, 18.

One aſſociate juſtice may take recognizance for the appearance of witneſſes, or any perſon preſented or indicted. 1796, ch. 43, § 5.

— For the appearance and ſecurity of perſons filing petitions for freedom. *Ibid.*

Recognizance to be taken to prevent the owners of ſlaves from ſuffering them to depart and remain at large contrary to the proviſions of this act. 1796, ch. 67, § 17.

In petitions for freedom, if the coſts, &c. are not paid as therein provided, the defendants and their ſecurities ſhall be diſcharged from their recognizances. *Ibid.* § 26.

Bond to be given, or recognizance entered into, by coroners. 1797, ch. 95, § 1, 1799, ch. 91, § 1.

The agent to ſuperintend the collection of forfeited recognizances. 1799, ch. 80, § 4.

RECORDS.

The houſe of delegates may ſend for all public or official papers or records. Conſt. 10.

Every law ſhall be recorded in the general court office of the weſtern ſhore. *Ibid.* 60.

Puniſhment for embezzling, impairing or razing records. 1715, ch. 11.

RECORDS.

The clerks of the courts therein mentioned directed not to take on themſelves the keeping of the records till they entered into bond. 1716, ch. 1, 1742, ch. 10.

—— Such bonds to oblige them to find record books, and to make and preſerve the records. *Ibid.*

—— Directions for recording the ſaid bonds. *Ibid.*

Puniſhment for burning court-houſes where records are actually or uſually kept. 1720, ch. 25, § 2.

Directions reſpecting the removal of records. 1747, ch. 3, 1748, ch. 7.

—— Reſpecting the ſpecial records of Anne-Arundel county. 1751, ch. 15.

—— For recording the qualification of judges and juſtices. February, 1777, ch. 5.

—— For removing papers from the late prerogative-office and relating to the general court on the eaſtern ſhore to the courts therein mentioned. March, 1779, ch. 15, April, 1783, ch. 9.

In actions agreed, ſtruck off, diſcontinued, abated, or otherwiſe ended before final judgment or decree, the proceedings ſhall not be recorded, unleſs by requeſt in writing. November, 1779, ch. 25, § 10.

Copies of records, how to be admitted in evidence. 1785, ch. 46, § 2.

—— Writings that do not require to be recorded, how to be proved. *Ibid.* § 3.

See EVIDENCE.

The general plot and books of certificates of the reſerved lands weſtward of Fort Cumberland to be lodged in the land-office, and conſidered as record books thereof. November, 1788, ch. 44, § 16.

A copy of a record of manumiſſion to be good evidence. 1796, ch. 67, § 30.

Proviſion for building a record-office, and tranſcribing certain records, in Baltimore county. 1796, ch. 55.

The commiſſions of the juſtices of the orphans courts qualifying therein to be recorded in the regiſter's office. 1798, No. 101, ch. 15, § 4.

A deſcription of the election diſtricts, ſpecifying the boundaries and place, to be returned to and recorded by the county clerks. 1799, ch. 50, § 1.

—— The ſaid clerks to record the appointment of judges of elections. *Ibid.* § 3.

Bonds and ſchedules under the act to appoint an agent to be recorded in the office of the general court, and copies thereof to be evidence. *Ibid.* ch. 80, § 18.

RECTOR.

See MINISTER.

REFERENCE.

In cauſes referred, judgment to be given on the award, and to have the ſame effect as in caſes of verdict. October, 1778, ch. 21, § 8.

—— The award, after the return, ſhall remain ſeven days in the general court, or four days in the county courts, before judgment is moved for. *Ibid.* § 9.

—— The courts may ſet aſide ſuch award and refuſe to give judgment thereon, if it appears within theſe reſpective terms,

—— That the award was obtained by fraud or malepractice in the arbitrators,

—— By ſurpriſe, impoſition or deception, on them,

—— Or without due notice to the parties or their attornies. *Ibid.*

Judgments on awards made before this act ſhall be valid as if on verdict or confeſſion. *Ibid.* § 12.

REFERENCE.

In any cauſe referred, if a party or an arbitrator has died ſhall die before the making of an award, or if any arbitrator h refuſed or ſhall refuſe to act, or if an award hath been or ſhall ſet aſide, then all the time from the original writ till ſuch dea refuſal or ſetting aſide the award, ſhall not run or be reckoned part of the time limitted for bringing ſuch ſuit. *Ibid.* § 10.

—— This act may be uſed in bar of the act of limitati without a ſpecial replication. *Ibid.*

Cauſes referred ſhall continue till an award is returne 1785, ch. 80, § 11.

—— Shall not abate by the death of a party before an awa returned and judgment thereon, but on reaſonable notice to t repreſentative, &c. (not being a minor,) the arbitrators m proceed to an award, and a judgment thereon ſhall be ſufficie notwithſtanding ſuch death. *Ibid.*

On the death of an arbitrator or arbitrators, or refuſal to a the court ſhall, on motion, appoint another or others, who ſh have the ſame powers to decide. *Ibid.*

If an award is not returned within eight months from t reference, the court may, by order, compel the arbitrators return one, or give their reaſons. *Ibid.*

—— Or they may reinſtate the cauſe, and take order for trial in court as if the cauſe had not been referred. *Ibid.*

The party in whoſe favour an award is returned ſhall cauſe copy to be delivered to the adverſe party, or his attorney, th days before a judgment is moved for. *Ibid.*

—— The court ſhall have proof by the party's oath or af mation, or otherwiſe, of the delivery of the copy as aforeſa before they ſhall direct ſuch judgment to be entered. *Ibid.*

—— The clerk ſhall not enter judgment on any award wi out a motion to and direction from the court. *Ibid.*

REGISTER OF THE CHANCERY COURT.

To be appointed, *(as a civil officer of government,)* by governor and council. Conſt. 48.

The regiſter of the chancery court, before he acts as ſu ſhall take an oath, that he will not, directly or indirectly, ceive any fee or reward for doing his office but what is or ſh be allowed by law, nor will, directly or indirectly, receive profits, or any part of the profits, of any office held by other perſon, and that he does not hold the ſame office in t or for the benefit of any other perſon. *Ibid.* 52.

—— Puniſhment for his ſo receiving the profits, &c. *Ibid.*

The regiſter to take the oath of allegiance therein mention and to ſubſcribe a declaration of his belief in the Chriſtian r gion. *Ibid.* 55.

—— To take the oath of office therein preſcribed. Febr ry, 1777, ch. 5, § 1.

—— Form of his commiſſion. *Ibid.*

The regiſter to deliver to defendants, if required, full cop of all the coſts of ſuit recovered againſt them, under the pena of 2000 lbs. of tobacco. 1731, ch. 15, § 3.

Fees of the regiſter eſtabliſhed. November, 1779, ch. 25, §

Fees in chancery for the great ſeal to be paid immediately the ſervice done, and paid by the regiſter every half year to treaſurer. *Ibid.* § 23.

—— The regiſter to lay before the general aſſembly annua an account of his receipts, and to be allowed a commiſſion ten *per cent.* *Ibid.*

The taxes therein mentioned to be paid to the regiſter imm diately on the ſervice done, and paid by him every three mon to the treaſurer. November, 1792, ch. 76, § 5.

—— The regiſter to lay before the general aſſembly an count of his receipts, and to be allowed a commiſſion of f *per cent.* *Ibid.*

For other matters, ſee CHANCERY.

REGISTERS OF THE LAND-OFFICE.

There ſhall be two regiſters of the land-office, one upon the ſtern and one upon the eaſtern ſhore. Conſt. 51.

— Short extracts of the grants, &c. to be depoſited in r offices. *Ibid.*

The governor and council to appoint the regiſters of the land-ce. *Ibid.* 48.

— The regiſters of the land-office to hold their commiſſions ng good behaviour, removeable only for miſbehaviour on viction in a court of law. *Ibid.* 40.

The regiſters to take the oaths therein mentioned, &c. *Ibid.* 55, February, 1777, ch. 5.

ee REGISTER of the CHANCERY COURT.

— Puniſhment for their receiving the profits of any other e, &c. as therein mentioned. Conſt. 53.

— Form of their commiſſion. February, 1777, ch. 5.

— Their fees eſtabliſhed. November, 1779, ch. 25, § 2, 5, ch. 61, § 9.

— Former warrants to be delivered up to them. February, 7, ch. 15, § 8.

The regiſters to have poſſeſſion of the extracts of the grants certificates of lands to be made agreeable to the directions the form of government. November, 1781, ch. 20, § 3.

— To grant warrants for reſurveying, &c. *Ibid.*

— To make out grants, to be ſigned by the chancellor n approved by him, or by the judge on the eaſtern ſhore. 1795, ch. 61.

The governor and council empowered to make rules and regu-ons for the conduct of the regiſters. November, 1781, 20, § 6, 1795, ch. 61, § 8.

The regiſter for the weſtern ſhore to tranſmit annually, on or re the firſt of October, to the commiſſioners of the tax of ſeveral counties, a liſt of all grants, the name of the grantees land, and the quantity of acres, and the date of the certifi-and grant. November, 1781, ch. 20, § 15.

— A ſimilar proviſion on the eaſtern ſhore. 1795, ch. 61,

The regiſters on both ſhores directed to make out for the com-ioners of the tax a liſt of all grants between the 15th of rch, 1797, and the 15th March, 1798, expreſſing the es, &c. and alſo a liſt of all certificates ready for patent e the 15th of March, 1797. 1797, ch. 89, § 36.

— The regiſters on both ſhores to make out annually, be-en the firſt of January and firſt of March, for the commiſſi-rs of the tax, a liſt of all certificates which have become dy for patent, expreſſing the name of the land, the quan-it contains, and the perſon who is entitled to patent, in caſe of reſurvey, ſhall expreſs the names of the original cts, and quantity of vacancy added. *Ibid.* § 37.

— Directions for forwarding the ſaid liſts. *Ibid.* § 39.

— Compenſation to be made therefor. *Ibid.* § 40.

Proviſion for the delivery to the regiſter of the weſtern ſhore certificates in the hands of the late examiner-general. April, 82, ch. 38, § 4.

— For notice to be given by the ſaid regiſter of certificates ing in the office caveated. *Ibid.* § 8.

A record of the valuation, &c. of the lots to the weſtward Fort Cumberland diſtributed and ſold, to be returned to the iſter, and kept by him. November, 1788, ch. 44, § 25.

Warrants to iſſue on the eaſtern ſhore for any deficiency, but upon a grant or certificate to be iſſued or made before the of March then next, until a certificate ſhall be obtained m the regiſter of the weſtern ſhore, that no warrant has been fore iſſued for ſuch deficiency, or any part thereof, nor the y under whom he claims in any manner ſatisfied for the ſame, far as appears by the records of his ſaid office. 1795, ch. 61, 11.

REGISTERS OF THE LAND-OFFICE.

The regiſter on the weſtern ſhore directed to correct the returns of the commiſſioners of the lands in Allegany county, weſtward of Fort Cumberland, in the particulars therein mentioned. 1797, ch. 31, § 2.

—— To correct the returns of a particular lot on the conditions therein mentioned. *Ibid.* § 3.

A copy of any of the books, papers, entries and proceedings, in poſſeſſion of the regiſter of the land-office, not being matter of record, atteſted by him, and ſworn to be a true copy, ſhall be received in evidence in any court, &c. as if the original books, &c. were produced. 1798, ch. 108.

REGISTERS OF WILLS.

A regiſter of wills to be appointed for each county, who ſhall be commiſſioned by the governor on the joint recommendation of the ſenate and houſe of delegates. Conſt. 41.

—— On a vacancy by death, &c. in the receſs of the general aſſembly, the governor and council may appoint and commiſſion a perſon to ſuch vacant office, to hold the ſame until the meeting of the general aſſembly. *Ibid.*

—— The regiſters of wills ſhall hold their commiſſions during good behaviour, removeable only for miſbehaviour on conviction in a court of law. *Ibid.* 40.

The regiſters to take the oaths therein mentioned. *Ibid.* 52, 55, February, 1777, ch. 5.

See REGISTER of the CHANCERY COURT.

—— Puniſhment for their receiving the profits of any other office, &c. as therein mentioned. Conſt. 53.

Form of their commiſſion. February, 1777, ch. 5.

The regiſter of the *commissary's* court obliged to deliver to defendants, if required, full copies of all the coſts of ſuit recovered againſt them, under the penalty of 2000 lbs. of tobacco. 1731, ch. 15, § 3.

Fees to the regiſters of wills. 1797, ch. 76.

—— All eſtates not exceeding £. 30 ſhall be deemed pauper eſtates, and the regiſter ſhall be allowed 30*s.* for ſettling the ſame, and no more. November, 1779, ch. 25, § 6.

—— No regiſter of wills ſhall demand, take or receive, any fee, gratuity, gift or reward, for giving his advice in any matter or thing relative to his office, under the penalty of £. 50. *Ibid.* § 7.

—— No regiſter of wills ſhall exact, extort, demand, take, accept or receive, any fee, gratuity, gift or reward, for giving his advice in any matter or thing that will be tranſacted in the courts of the county where he acts as regiſter, under the penalty of £. 30. 1786, ch. 10.

No regiſter of wills ſhall plead as an attorney at law in any court of the county where he is regiſter. *Ibid.*

Authority given to the regiſters of wills to paſs accounts to the amount therein mentioned. 1791, ch. 76, § 5.

The regiſters of wills to receive and record indentures of apprenticeſhip. 1793, ch. 45, § 4, 5, 6, 1794, ch. 47.

—— Their allowance therefor. *Ibid.*

The regiſters of certain counties directed to hold their offices at the court-houſe, or within a quarter of a mile. 1794, ch. 25.

Where any orphans court ſhall not meet at the time preſcribed by law, or to which they may ſtand adjourned, the regiſter is empowered and required to adjourn the court from day to day till a meeting of the judges can be had. 1795, ch. 55.

Power given to the regiſter of Calvert county reſpecting the records, &c. 1797, ch. 81.

See CALVERT COUNTY.

Directions reſpecting the records, &c. in the office of the regiſter of Queen-Anne's county. 1797, ch. 88.

In what caſes the regiſters of wills may take the probats of wills of perſonal property, and grant letters teſtamentary. 1798, No. 101, ch. 2, § 6, ch. 3, § 1, 2.

REGISTERS OF WILLS.

—— Where they have taken probat, and a caveat is entered, letters ſhall not be granted till the determination of the orphans court. *Ibid.* ch. 2, § 10.

Teſtamentary and adminiſtration bonds to be lodged and recorded in the regiſter's office, and certified copies to be given. *Ibid.* ch. 3, § 1, 10.

The regiſters in the receſs of the court to ſummon executors not preſent at the probat of wills. *Ibid.* § 4, 6.

A ſecurity obtaining, by order of the orphans court, a delivery of property from the executor or adminiſtrator, ſhall bring into court, to be depoſited with the regiſter of wills, the money ariſing from the ſale of any property, to be applied according to the meaning of this act. *Ibid.* ch. 14, § 11.

The regiſters of wills ſhall diligently attend the orphans courts. *Ibid.* ch. 15, § 9.

—— Shall, under their direction, make full and fair entries of their proceedings. *Ibid.*

—— Shall make a record of all wills proved before them or the court, or authenticated according to this act, and of all other matters by law directed to be recorded in the ſaid court or in their offices. *Ibid.*

—— Shall make out and iſſue every ſummons, proceſs or order of the courts. *Ibid.*

—— Shall in every reſpect act under their control and direction as is the caſe with clerks of courts of law. *Ibid.*

—— Shall give out and certify, under ſeal, any copy of any part of the proceedings in the courts, or in their offices, which may be demanded. *Ibid.*

—— Shall be entitled to reward for any ſervices done according to the table of fees. *Ibid.*

—— Shall attend on every Tueſday and Saturday where the courts are held, for the diſpatch of office buſineſs, unleſs prevented by ſickneſs, &c. *Ibid.* § 10.

—— Shall lodge every original paper and record in a repoſitory, or other place to be appointed by the orphans courts reſpectively, and to be kept in repair by the counties. *Ibid.*

—— Shall take the oath therein preſcribed for the faithful execution of their offices. *Ibid.*

Directions for their tranſmitting the proceedings on appeals. *Ibid.* ch. 15, § 18.

REGISTERS OF PARISHES.

A regiſter to be appointed by the veſtry in each pariſh to make entries of all baptiſms, marriages and burials. 1798, ch. 24.

See PARISH. VESTRIES.

REGISTRY.

Deeds and deviſes in the companies therein mentioned not to be effectual, unleſs exhibited to the directors, and regiſtered in the books of the ſaid companies reſpectively. 1784, ch. 33, § 14, ch. 66, § 5, 1795, ch. 62, § 7, 1796, ch. 17, § 12, 1797, ch. 92, § 5, 1799, ch. 16, § 14.

RELATIONS.

To what relations adminiſtration ſhall be granted. 1798, No. 101, ch. 5, § 7 to 23.

—— How to be granted if there are no relations, or if relations as therein mentioned neglect to apply. *Ibid.* § 22, 23.

RELIGION.

All perſons profeſſing the Chriſtian religion are equally entitled to protection in their religious liberties, &c. Decl. 33.

A general and equal tax may be laid for the ſupport of the Chriſtian religion, leaving to each individual the power of appointing the payment over of the money collected from him to the ſupport of any particular place of worſhip or miniſter, or for the benefit of the poor of his own denomination, or the poo general of any particular county. *Ibid.*

Gifts, &c. as therein mentioned, to a miniſter or religious as ſuch, to be void. *Ibid.* 34.

See MINISTER.

A declaration of a belief in the Chriſtian religion to be of the teſts on the admiſſion to any office of profit or t *Ibid.* 35.

Every perſon appointed to any office of profit or truſt ſh before he enters on the execution thereof, ſubſcribe a declara of his belief in the Chriſtian religion. Conſt. 55.

REMAINDER AND REVERSION.

The equitable titles therein mentioned to be ſaved, and reverſion only of the ſtate to be liable to ſale. Novem 1781, ch. 20, § 5.

The rights of all perſons in remainder or reverſion, (o than the offender or his heirs,) ſhall be preſerved and not affe or barred by forfeiture on conviction and attainder for treaſo tenant in tail, or on his property being ſeized and confiſca April, 1782, ch. 19, § 2.

Perſons ſeized of the reverſion on an eſtate for life or liv land, may have a commiſſion to mark and bound the ſame the conditions preſcribed in this act. 1786, ch. 33, § 2.

Any perſon ſeized of an eſtate tail in poſſeſſion, reverſio remainder, may convey the ſame in ſuch manner as a pe ſeized of an eſtate in fee may. November, 1782, ch. 23.

See ESTATES TAIL.

The chancellor empowered to direct the ſale of any remai or reverſion on lands in this ſtate belonging to minors reſid out of the ſtate and the United States, for payment of d due from the perſons from whom they derive ſuch remainde reverſion. 1790, ch. 38, § 2.

The reverſioner or remainder-man of a tenancy for life the courteſy or in dower, exonerated from the payment of tax on the eſtate of ſuch tenant for life, &c. 1798, ch. 96

RENT.

Rent to be diſtrained for, and a magiſtrate to iſſue his war in the ſame manner as before the reſolves of the convent February, 1777, ch. 15, § 5.

Claims for rent, how to be proved againſt the eſtate deceaſed perſon. 1798, No. 101, ch. 9, § 7.

RENUNCIATION.

Directions reſpecting the renunciation of an executor na in a will. 1798, No. 101, ch. 3, § 7.

See EXECUTORS.

Form of a renunciation by a widow of a deviſe or beq *Ibid.* ch. 13, § 2.

—— Such renunciation to be made in writing in the therein preſcribed, or to that effect, and delivered or tranſm to the orphans court within ninety days after the probat o will, or ſhe will be barred of her dower by ſuch devi bequeſt. *Ibid.*

—— If nothing paſſes by a deviſe ſhe ſhall not be ba whether ſhe ſhall or ſhall not renounce. *Ibid.* § 5.

See DOWER. WIDOW.

REPLEVIN.

Actions of replevin to be brought within three years en the cauſe of action. 1715, ch. 23, § 2.

No writ of replevin to iſſue in any caſe of money, &c. du public, for which there ſhall be any diſtreſs or execution o perty by any officer or perſon authoriſed by law, except as t in directed. 1785, ch. 34, § 2, 1790, ch. 53.

REPLEVIN.

Perſons applying for writs of replevin againſt ſuch officer, &c. ll, if required by the clerk, make oath or affirmation, that property hath not been diſtrained or taken in execution on ount of any public dues or taxes. 1785, ch. 34, § 3.

Any clerk neglecting ſo to inquire, or (after ſuch oath or rmation has been refuſed,) iſſuing a writ of replevin, ſhall eit £. 100. *Ibid.* § 4.

— Unleſs they have a warrant as therein directed. 1790, 53.

heriffs, coroners, or other public officers, ſerving or executing writ of replevin, knowing the property to have been in ex- tion for public dues or taxes, ſhall forfeit £. 100. 1785, 34, § 5.

n writs of replevin being iſſued contrary to this act, the t, on the return, ſhall, on motion and inquiry in a ſummary , quaſh the writ, and nonſuit the plaintiff, and give judge- t againſt him for treble coſts. *Ibid.* § 6.

When property is taken for public dues, &c. the party may to a juſtice of the peace, who, on being ſatisfied by his avit or other proof, that it is for the purpoſes of juſtice, , by warrant under his hand and ſeal, direct the county clerk ſſue a writ of replevin for the goods, &c. taken, or ſuch as he ſhall think proper, ſpecifying in the ſaid warrant the s, &c. for which the replevin is to iſſue. 1790, ch. 53, § 2.

— If it appears to the juſtice that part of ſuch tax is due, hall inſert in the warrant a condition, that the party ſhall e with the clerk ſuch ſum as ſhall appear to be due, (which be particularly ſtated in the warrant,) before any replevin be granted. *Ibid.* § 3.

— On ſuch ſum being lodged, the clerk ſhall iſſue replevin e uſual manner for the whole property, and pay over the y to the collector, under the penalty of paying to him e the ſum. *Ibid.*

— If on trial of any ſuch replevin the jury find for the dant, they ſhall find how much is due, whereon he ſhall judgment to recover the ſum ſo found, and coſts where the e ſum is found. *Ibid.* § 4.

— If only a part is found, he ſhall only have coſts in the tion of the court. *Ibid.*

n ſuch judgment, the defendant may ſue out a *capias ad ſaciendum*, *fieri facias*, or attachment in nature of execu- *Ibid.*

— On the laſt writs, the property diſtrained may be taken old wherever found, but a writ of *retorno habendo* ſhall not *Ibid.*

— If the jury find for the plaintiff, they may give ſuch ges as they think reaſonable, and include therein the money d by the plaintiff with the clerk under the magiſtrate's nt, on which there ſhall be judgment with coſts. *Ibid.*

— The ſame proceſs of execution to be had as aforeſaid. *Ibid.*

— If the plaintiff ſhall be nonſuited without verdict, the dant ſhall be entitled to a return of the property, or may out a writ of inquiry to aſcertain the amount of his claim. § 5.

— If he elects a return of the property, he may ſell the when returned as if no replevin had been ſued out. *Ibid.*

— But if he elects to iſſue a writ of inquiry, judgment be entered on the return for the ſum found and coſts, on he ſhall have the ſame advantage of execution as is there- en after a verdict. *Ibid.*

— On judgment againſt the defendant by default, the iff may have a writ of inquiry, on which the jury may damages for any money lodged with the clerk as aforeſaid, the return, judgment ſhall be rendered for the damages and coſts, whereon execution may be had as aforeſaid. § 6.

REPLEVIN.

County clerks iſſuing replevin under a magiſtrate's warrant as aforeſaid, not liable to the penalties of the act of 1785, ch. 34. *Ibid.* § 7.

All replevins under this act ſhall be tried at the return court, unleſs on ſpecial reaſons on affidavit. *Ibid.* § 8.

On a diſtreſs for public dues, &c. the party may complain to the commiſſioners of the tax, who may hear and adjuſt ſuch complaints, and ſuſpend the ſale of the property. 1786, ch. 12.

In all caſes of replevin, the court may, on motion for a return of the property, inquire into the manner, &c. of the defendant's obtaining poſſeſſion. 1785, ch. 80, § 14.

If ſuch poſſeſſion was obtained forcibly or fraudulently, or if being firſt in the plaintiff, the poſſeſſion was got or retained by the defendant without proper authority or right derived from the plaintiff, the court may refuſe to order a return to the defendant till judgment in the action. *Ibid.*

A right given to proſecute in the county courts actions at law for the recovery of goods and chattels by writ of replevin. *Ibid.* ch. 87, § 1.

Actions of replevin not to be brought in the general court unleſs the thing in demand exceeds £. 100. *Ibid.* § 2.

REPRESENTATION.

Not to be allowed among collaterals. 1798, No. 101, ch. 11, § 11.

REPRESENTATIVES.

The choſes in action of a married woman ſhall, on her death, devolve on her huſband without his adminiſtering, but if he ſhall not in his life-time reduce them into poſſeſſion, or obtain judgment thereon, they ſhall devolve on her repreſentative. 1798, No. 101, ch. 5, § 8.

If a perſon entitled to diſtribution ſhall die before the ſame be made, his ſhare ſhall go to his repreſentatives. *Ibid.* ch. 11, § 13.

When the eſtate of an inteſtate ſhall be ſold on a credit, under the act to direct deſcents, bonds ſhall be taken for the purchaſe money by the commiſſioners, with ſecurity if required, and made payable to each repreſentative reſpectively, according to his proportional part of the net amount of ſales. 1799, ch. 49, § 4.

For repreſentatives to the aſſembly and congreſs, ſee CONGRESS. DELEGATES. ELECTIONS. GENERAL ASSEMBLY. LEGISLATURE.

REPRIEVE.

The governor may grant reprieves or pardons for any crime, except in ſuch caſes where the law ſhall otherwiſe direct. Conſt. 33.

See PARDON.

RESERVES.

See LAND and LAND-OFFICE.

RESIDENCE.

Perſons entitled to vote who have a free-hold of fifty acres of land in the county, and reſide therein. Conſt. 2.

—— Perſons ſo entitled, who have property in the ſtate above the value of £. 30 0 0, and have reſided in the county one whole year next preceding the election. *Ibid.*

—— Every perſon qualified to vote ſhall vote in the election diſtrict in which he ſhall reſide at the time of the election, and at no other place. 1799, ch. 50, § 11.

—— Penalty on perſons reſiding out of a diſtrict offering to vote therein. *Ibid.* § 12.

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RESIDENCE.

—— On perſons reſiding out of the county offering to vote therein. *Ibid.*

—— On perſons reſiding out of the ſtate offering to vote therein. *Ibid.*

—— Directions reſpecting the right to vote in the cities of Annapolis and Baltimore. Conſt. 4, 5, 6.

Delegates to the general aſſembly to be reſidents of the counties reſpectively where choſen one whole year next preceding the election. Conſt. 2.

Electors of the ſenate, and perſons voting for them, to have the ſame reſidence, &c. as in the caſe of delegates. *Ibid.* 14.

Nine of the ſenators choſen to be reſidents of the weſtern ſhore and ſix of the eaſtern ſhore. *Ibid.* 15.

The ſenators choſen to be reſidents of the ſtate above three whole years next preceding the election. *Ibid.*

No perſon to be eligible as governor, unleſs a reſident in the ſtate above five years next preceding the election. *Ibid.* 30.

Perſons choſen members of the council to be reſidents in the ſtate above three years next preceding the election. *Ibid.* 26.

Perſons voting for ſheriffs to have the ſame reſidence, &c. as in the caſe of delegates. *Ibid.* 42.

Perſons choſen for the office of ſheriff to be reſidents of the counties where choſen. *Ibid.*

All civil officers hereafter to be appointed for the ſeveral counties ſhall have been reſidents in ſuch counties reſpectively ſix months next before their appointment, and ſhall continue reſidents of their county during their continuance in office. *Ibid.* 46.

RESIDUARY LEGATEE.

No executor ſhall be obliged to exhibit any inventory or account, provided he will give bond, as therein mentioned, with condition, "for paying all juſt debts of, and claims againſt, the deceaſed, and all damages which ſhall be recovered againſt him as executor, and alſo all legacies bequeathed by the will," provided the ſaid executor be reſiduary legatee, or provided the reſiduary legatee of full age ſhall notify his or her conſent to the court. 1798, No. 101, ch. 14, § 6.

RESIDUE.

No adminiſtrator entitled to the whole reſidue after the payment of debts of, and claims againſt, the inteſtate, ſhall be obliged to return an inventory or account, provided he will give bond as therein mentioned, conditioned for paying all debts, claims and damages, which ſhall be recovered againſt him. 1798, No. 101, ch. 14, § 7.

Any executor or adminiſtrator may appoint a meeting of the creditors, or perſons entitled to ſhares or legacies, or a reſidue, on ſome day to be appointed by the orphans court, and payment thereof may be made under the court's direction and control. *Ibid.* § 12.

RESOLUTIONS.

Proviſion made for the printing, conveyance and delivery, of the votes and proceedings, laws and reſolutions. 1790, ch. 51, 1791, ch. 20.

See ACTS of ASSEMBLY.

RETAILERS OF SPIRITUOUS LIQUOR.

No perſon ſhall retail any wine, rum, brandy, whiſky, or other diſtilled ſpirituous liquor, ſtrong beer or cider, on the eaſtern ſhore, without a licence as directed by this act, under the penalty of £. 6 0 0 for every ſuch offence. 1784, ch. 7, § 7.

—— Every perſon ſelling under the quantity of ten gallons ſhall be deemed a retailer. *Ibid.*

—— No perſon ſhall retail leſs than a pint. *Ibid.*

RETAILERS OF SPIRITUOUS LIQUOR.

—— Nothing herein to prevent the maker, diſtiller or brew from retailing, ſuch perſon not ſelling leſs than a quart at a ti *Ibid.*

The county courts to grant licences at their June courts nually to any perſon of reputation to be a retailer for one y *Ibid.* § 8.

—— Such perſons ſhall pay to the ſheriff £. 3 0 0, and the clerk 5*ſ.* for making out the licence. *Ibid.*

—— Directions for paying over the money ſo recei *Ibid.*

—— Perſons not being licenſed at June courts may ob licence at any other court, to continue to the June court, ſhall pay in proportion. *Ibid.* § 13.

Retailers may be ſuppreſſed by the courts on complain keeping a diſorderly houſe, or permitting liquor ſold by t mixed or unmixed, to be drank in or about the houſe. § 9.

—— Two of the juſtices during the receſs of the court for ſuch reaſon, ſuſpend ſuch retailers till the meeting o court, who may determine thereon. *Ibid.*

—— Retailers ſo ſuſpended who preſume to retail ſhall fo 40*ſ.* for every ſuch offence. *Ibid.*

Every licenſed retailer ſhall ſell only by ſealed meaſures, cept bottled cider, perry and ſtrong beer, of the produce of ſtate.) *Ibid.* § 10.

—— Retailers neglecting to keep ſealed meaſures, or ref or neglecting to ſell by them, forfeit 20*ſ.* for every ſuch of *Ibid.*

—— Any juſtice or conſtable, on complaint, may ente houſe of any retailer, and there call for and inſpect the mea uſed by him. *Ibid.*

Nothing in this act to prohibit any merchant or ſhop-kee ſell any wine, &c. not leſs than ten gallons, ſo that it b drank in the houſe or ſhop. *Ibid.* § 11.

—— Not to prohibit any perſon, his agent, &c. to barter any ſuch liquor, not leſs than one pint at a time, to t men, laborers or others, hired or employed. *Ibid.*

—— Retailers ſhall not ſell or barter any ſuch ſpiri liquor between eleven on Saturday night and five on M morning. *Ibid.* § 12.

Recognizance to be entered into by perſons applying for li to retail. *Ibid.* § 14.

Manner of obtaining licence for ſelling or bartering liqu horſe-races, and penalty for ſelling, &c. without. *Ibid.*

Similar proviſions made as to retailers on the weſtern (except as to the city of Annapolis,) ſubſtituting Auguſt for thoſe held in June. *Ibid.* ch. 37, § 24 to 32.

The chief juſtice, or either of the aſſociate juſtices, counties where they reſpectively reſide, may grant licen ſuch perſons as they ſhall think fit, to be retailers of ſpir liquors, to continue in force till the end of the next court, and to be paid for in proportion. April, 1792, § 2.

—— The perſons applying to enter into recognizanc in the ſame manner as in court under the acts of 1784, and ch. 37, and ſuch recognizances to be returned to the *Ibid.*

—— But no licence to be ſo granted to perſons to wh court may have refuſed to grant ſuch licence. *Ibid.*

The commiſſioners of the city of Waſhington, or any them, may grant licence for retailing diſtilled ſpirits wit limits of the ſaid city, and ſuſpend or declare the ſam 1791, ch. 45, § 12.

—— If any perſon ſhall retail or ſell any diſtilled mixed or unmixed, leſs than ten gallons to the ſame per ſhall forfeit for every ſuch ſale £. 3 0 0. *Ibid.*

RETAILERS OF SPIRITUOUS LIQUOR.

The mayor's court of the corporation of George-town ſhall ve the ſole and excluſive power of granting retailers licences thin the juriſdiction of the corporation, the perſons obtaining m to pay to the mayor the ſame ſum as is by law to be paid he ſtate, and ſuch further ſum for the uſe of the corporation y their by-laws may be directed. 1799, ch. 85, § 2.

— The mayor, recorder, &c. empowered to oblige all re- rs of ſpirituous liquors within their juriſdiction to pay for uſe of the corporation a ſum not exceeding five dollars. 4, § 1.

— The mayor for the time being ſhall enter into bond, h ſecurity, to the ſtate of Maryland, conditioned, that he ll pay over to the treaſurer all ſums of money by him received the uſe of the ſtate for retailers licences. *Ibid.* § 3.

The power of regulating retailers of ſpirituous liquors within tity of Annapolis and the precincts thereof ſhall be hereafter d in the ſaid corporation. 1784, ch. 49, § 3.

— The mayor's court of the ſaid city only ſhall hereafter t licences to retailers of ſpirituous liquors within the city its precincts, under ſuch regulations, &c. as they may make.

— Fines to be reſerved and laid on ſuch licences. *Ibid.*

— The monies ariſing from licences to retailers to be ap- riated to defray the expences of the city, &c. *Ibid.* § 4.

o E. O. faro table, &c. or other device, (except billiard ta-) for the purpoſe of gaming for money, ſhall be kept in any ling-houſe, out-houſe, or place occupied by any retailer of , &c. whether ſuch perſon have a licence or not, under the lty of £. 50. 1797, ch. 110, § 2.

RETORNO HABENDO.

return of property taken by replevin may be refuſed by the in the caſes therein mentioned until a judgment is given in tion. 1785, ch. 80, § 14.

REPLEVIN.

e defendant in a writ of replevin for property diſtrained for may, on a verdict, iſſue *ca sa*, *fi fa*, or attachment, by laſt the property originally diſtrained may be taken in ver hands found, but ſhall not have the writ *de retorno ndo.* 1790, ch. 53, § 4.

RETURN.

anner of ruling a return from a ſheriff or coroner of meſne ſs or execution, and of obtaining judgment, on amercia- or default, for want of ſuch returns. 1794, ch. 54, § 1, 4.

AMERCIAMENTS. DEFAULTS.

REVENUE.

e houſe of delegates may examine and paſs all accounts of tate relating either to the collection or expenditure of the ne, or appoint auditors to ſtate and adjuſt the ſame. 10.

REVERSAL.

anner of proceeding on the reverſal of judgments removed the general or county courts. 1790, ch. 42.

APPEALS.

REVERSION.

REMAINDER and REVERSION.

REVOCATION.

ters teſtamentary granted on the diſcovery of a will ſhall revocation of letters of adminiſtration before granted. No. 101, ch. 5, § 4.

REVOCATION.

Letters teſtamentary or of adminiſtration may be revoked on failure to return an inventory as therein directed. *Ibid.* ch. 6, § 13.

—— On failure to return an account as directed by law. *Ibid.* ch. 10, § 9.

RIGHTS.

Manner of altering the declaration of rights. Decl. 42, Conſt. 59.

—— An alteration made, by permitting quakers, &c. to make their affirmation, to be of the ſame avail as an oath to all intents and purpoſes whatever. 1797, ch. 118, confirmed by 1798, ch. 83.

A ſaving to all perſons of the rights and benefits which they had by acts then repealed. 1704, ch. 77, § 2.

A ſaving of the rights before acquired under the ſeveral acts of aſſembly therein mentioned and repealed. 1796, ch. 67, § 14, 31.

RIVERS.

Every county lying on any navigable river in this ſtate ſhall extend its juriſdiction from the ſhore to the channel of ſuch river that divides the county, and be divided from the other county by the channel of the ſaid river; and where any ſhip or veſſel ſhall ride at anchor in the channel of ſuch river, proceſs may be ſerved on board the ſaid ſhip by the officer of either county that can firſt ſerve it, but when moored by any hold on the land ſhall be ſuppoſed to lie in that county to whoſe ſhore ſhe is faſtened, if moored. 1704, ch. 92, § 3.

ROADS.

Directions for clearing public main roads, making bridges, &c. (in the counties not affected by the act of 1794, ch. 52, and its ſupplements.) 1704, ch. 21, § 2.

—— Manner of aſcertaining in the records yearly what are the public roads, and of appointing overſeers. *Ibid.* § 3, 1794, ch. 53, § 8.

—— Penalty on perſons altering ſuch roads without the leave of the court. 1704, ch. 21, § 3.

—— Fines on overſeers neglecting to clear the roads. *Ibid.* § 4.

—— On labourers refuſing to obey the overſeers. *Ibid.*

—— On maſters not ſending their ſervants. *Ibid.*

—— Such fines on labourers and maſters to be recovered before a ſingle magiſtrate, who is to return a liſt thereof to the court, to be collected by the ſheriff. 1723, ch. 17.

—— The other fines under this act to be recovered by bill, plaint, &c. 1704, ch. 21, § 4.

—— Directions for marking roads leading to ferries, court-houſes, &c. *Ibid.* § 5, 6.

—— Directions to the overſeers as to falling dead trees, cutting down trees for repairs of bridges, and for making compenſation therefor. *Ibid.* § 6, 1724, ch. 14, § 2, 1795, ch. 37, § 2, 3, 4.

—— As to removing trees, gravel, &c. lodging near bridges ſo as to obſtruct the water. 1795, ch. 37, § 5.

—— Deſcription of perſons to work on the public roads. *Ibid.* § 6.

—— An option given to pay 3/9 per day, to be accounted for by the overſeers. *Ibid.*

—— Directions reſpecting bridges, cauſeways, &c. to be made by owners of mills, whereat, or below which, the public roads croſs, and ſuch perſon not obliged to ſend labourers. 1753, ch. 16, 1756, ch. 12.

Overſeers of roads exempted from attendance as jurors. 1715, ch. 37, § 4.

I N D E X.

ROADS.

Overſeers of the roads excepted from the deſcription of officers to be appointed by the governor and council. Conſt. 48.

The privilege of roads and waters reſerved to the public through all the reſerved lands weſtward of Fort Cumberland therein diſpoſed of. November, 1788, ch. 44, § 14.

An act to ſtreighten and amend the ſeveral public roads in ſeveral counties. 1790, ch. 32.

—— Supplementary and other acts. 1791, ch. 82, 1793, ch. 40, 1794, ch. 56, 1795, ch. 28, 1797, ch. 29, ch. 67, 1798, ch. 32, 1799, ch. 32.

The levy courts in the counties therein mentioned directed to levy money to be applied towards ſtreightening and amending the public roads. 1794, ch. 52, § 2, 1795, ch. 43.

—— The ſupervifors permitted to accept of labour in lieu of ſuch aſſeſſment, and to give orders therefor. 1794, ch. 52, § 2.

—— The levy courts, (except in Baltimore,) to fix annually proper rules for the conduct of the ſupervifors, and rates for labourers, horſes, &c. and to have them publiſhed. *Ibid.* § 3, 1797, ch. 109.

Directions for furniſhing the collectors and the inhabitants, (except in Baltimore,) with the amount of their road taxes. 1794, ch. 52, § 4, 1797, ch. 109.

Power of the levy courts reſpecting the widening and ſtreightening old roads. 1794, ch. 52, § 5, 1797, ch. 109.

—— The damages to be agreed for or valued by a jury. 1794, ch. 52, § 6.

Manner of appointing ſupervifors, and of delivering warrants to them. *Ibid.* § 7, 8.

Bonds to be given by the ſupervifors. *Ibid.* § 7, 1797, ch. 109.

Duty of the ſupervifors as to repairing roads, cauſeways and bridges, and their right to uſe ſtone, gravel, &c. adjoining the roads. 1794, ch. 52, § 7, 11.

Penalty on ſupervifors neglecting to clear and amend the roads, &c. *Ibid.* § 9, 10.

Notice to be given to the inhabitants that they may ſend their labourers. *Ibid.* § 12.

Allowance to the ſupervifors. *Ibid.* 1797, ch. 112.

Manner of recovering the money levied by the collectors. *Ibid.* § 13, ch. 53, § 2, 1797, ch. 43, ch. 109.

—— Of ſettling the accounts of the ſupervifors. 1794, ch. 52, § 13.

Penalty for altering or obſtructing the roads. *Ibid.* § 14.

Directions for ſummoning perſons to labour in Allegany county. *Ibid.* § 15, 16, 17, 18.

—— For the ſupervifors in the ſaid county to account with the levy court. *Ibid.* § 19.

—— Commencement of the act in the ſaid county. *Ibid.* § 21.

Manner of recovering fines under this act. *Ibid.* § 20.

Certain acts reſpecting roads repealed as to the counties included in this act. *Ibid.* § 22, 25.

—— Exceptions reſpecting former acts as to Baltimore county. *Ibid.* § 23.

—— Same as to Frederick county. *Ibid.* § 24.

An allowance for the public roads, to be included in the ordinary and neceſſary expences in each county, to be aſſeſſed by the levy courts, and collected by the perſons appointed by them. *Ibid.* ch. 53, § 1.

The county courts empowered to eſtabliſh and regulate a public ferry, whenever, by the lawful alteration of an old road, or the opening of a new road leading to any creek or river, a communication acroſs the ſame ſhall be deemed uſeful and neceſſary. 1799, ch. 83, § 3.

Acts eſtabliſhing turnpike roads, to wit:

ROADS.

An act to lay out ſeveral turnpike roads in Baltimore. A 1787, ch. 23.

Additional proviſions made, and part of the above act re ed. 1790, ch. 32, § 13, 14, 15.

—— A ſupplement to the act of April, 1787. 1795, ch.

—— A further ſupplement. 1796, ch. 44.

—— A further ſupplement. 1797, ch. 105.

—— A further ſupplement. 1798, ch. 53.

—— A temporary alteration made. 1795, ch. 10.

An act to ſtreighten and amend the poſt-road from Havr Grace to Baltimore-town. April, 1787, ch. 29.

An act to lay out and eſtabliſh a turnpike road from the of Waſhington to Baltimore-town. 1796, ch. 69.

An act to lay out and eſtabliſh a turnpike road from the of Baltimore through Frederick-town, in Frederick count Elizabeth-town and William's Port, in Waſhington co 1797, ch. 65.

The Reiſter's-town turnpike road company incorporated making ſeveral turnpike roads through Baltimore and Fred counties until they interſect the diviſional line between M land and Pennſylvania. *Ibid.* ch. 70.

Acts reſpecting the public roads in particular counties, t

In Kent county. 1791, ch. 23, ch. 44, 1793, ch. 41, ch. 60, 1798, ch. 40, 1799, ch. 81.

In Charles county. 1789, ch. 12, 1796, ch. 36.

In Talbot county. November, 1787, ch. 24, 1794, c 1795, ch. 22, 1796, ch. 60, 1797, ch. 63, 1799, ch. 2

In Somerſet county. 1785, ch. 18, ch. 19, 1791, c ch. 14, 1793, ch. 39, 1798, ch. 25, ch. 28, ch. 38, c 1799, ch. 5.

In Dorcheſter county. April, 1783, ch. 5, November, ch. 14, November, 1792, ch. 19, 1793, ch. 48.

In Cæcil county. 1796, ch. 60, 1798, ch. 88.

In Prince-George's county. 1797, ch. 26, 1798, ch.

In Queen-Anne's county. 1799, ch. 63, ch. 70.

In Worceſter county. April, 1782, ch. 7, 1784, 1785, ch. 20, 1793, ch. 18, ch. 39, 1794, ch. 12, ch. 52, 1796, ch. 59, 1797, ch. 85, 1798, ch. 28, ch.

In Frederick county. April, 1783, ch. 6, 1786, 1789, ch. 2, ch. 7, 1790, ch. 19, 1791, ch. 16, ch. 82, ch. 13, ch. 44, 1795, ch. 31, ch. 33, 1797, ch. 45.

In Harford county. 1791, ch. 70, 1793, ch. 67, ch. 68, ch. 72, 1799, ch. 57, ch. 72.

In Caroline county. November, 1792, ch. 19, c 1793, ch. 54, 1794, ch. 48, 1797, ch. 63, 1799, ch. 4

In Waſhington county. April, 1782, ch. 41, 1786, 1793, ch. 40, 1794, ch. 56, 1798, ch. 49.

In Montgomery county. November, 1792, ch. 26, ch. 28, ch. 44, 1797, ch. 29, 1798, ch. 32, ch. 77, ch. 37.

In Allegany county. 1793, ch. 7, ch. 32, ch. 71, ch. 8, 1798, ch. 55, 1799, ch. 27, ch. 78.

In Anne-Arundel county. November, 1782, ch. 11, 1783, ch. 15, 1784, ch. 53, April, 1787, ch. 2, Nov 1787, ch. 4, 1791, ch. 53, November, 1792, ch. 18, 1793, ch. 38, 1797, ch. 26, 1798, ch. 80, 1799, ch.

In Baltimore county. November, 1782, ch. 11, Nov 1783, ch. 11, ch. 12, April, 1787, ch. 29, November, ch. 26, 1789, ch. 21, 1790, ch. 29, 1791, ch. 30, ch. 32, ch. 70, November, 1792, ch. 35, ch. 36, 1793, ch. 25, ch. 33, 1795, ch. 10, ch. 57, 1796, ch. 58, ch. 42, ch. 65, ch. 67, ch. 101, 1799, ch. 54, ch. 59.

ROCK CREEK.

The placing of wears and hedges on Rock creek re November, 1792, ch. 61.

I N D E X.

ROMAN CATHOLICS.

The legal poſſeſſors of property held in truſt for the uſe of the miniſters of the Roman catholic religion, and poſſeſſed on or before the 14th of Auguſt, 1776, or of property ſince received in exchange for the ſame, empowered to make and have recorded a written declaration of the uſes for which the ſame was held. November, 1792, ch. 55, § 2.

—— The corporation of the Roman catholic clergymen, and their ſucceſſors, (when created as therein directed,) declared to be ſeized of the ſaid property to the ſaid uſes. *Ibid.* § 3.

—— The ſaid property to be ſubject nevertheleſs to be taken into the valuation as other property liable to aſſeſſment. *Ibid.*

—— The corporation enabled to ſue and be ſued, &c. and empowered to fill vacancies. *Ibid.* § 4.

Certain clergymen and laymen therein mentioned incorporated, by the name of "The Truſtees of the Roman Catholic Church of the Town of Baltimore," to have perpetual ſucceſſion, &c. 1795, ch. 15, § 2.

—— Empowered to take and hold any property, which, by the conſtitution and laws of this ſtate, may be acquired and held by religious ſocieties, and made capable to ſue and be ſued, &c. and to make a common ſeal. *Ibid.*

—— The corporation to conſiſt of the Roman catholic biſhop of Baltimore and the ſenior paſtor of the congregation, and ſeven other members. *Ibid.* § 3.

—— Directions for the election of lay members and filling vacancies. *Ibid.* § 4, 5.

—— The truſtees to meet to tranſact the temporal buſineſs, &c. *Ibid.* § 6.

The truſtees of the Roman catholic congregation at the church of Saint-Mary, in the vicinity of Bryan-town, in Charles county, incorporated, and regulations reſpecting their property, meetings, &c. 1796, ch. 38.

Permiſſion given for the conveyance of land in Montgomery county on which a ſeminary of learning is built to the corporation of the Roman catholic clergymen, to be thenceforth under their control. 1797, ch. 40, § 2.

—— The ſaid corporation authoriſed, in behalf of the ſaid village of George-town, to receive donations for the maintenance and education of thirty ſcholars, ſo that the annual produce thereof does not exceed 4000 dollars. *Ibid.* § 3.

—— Such donation to be applied to that purpoſe only, and account thereof to be exhibited to the general aſſembly when required. *Ibid.* § 4.

The Roman catholic congregation in Cobb Neck, in Charles county, incorporated. 1799, ch. 53.

RUNAWAYS.

Sheriffs, on any runaway being committed to their cuſtody, ſhall, within twenty days, cauſe the ſame to be advertiſed in the public news-paper, with a particular deſcription of the perſon, cloaths, &c. November, 1792, ch. 72, § 2.

—— If no perſon applies within thirty days from ſuch commitment, the ſheriffs are, within ſixty days therefrom, to advertiſe in the papers therein named on the weſtern and eaſtern ſhores reſpectively, until ſuch runaway is releaſed by due courſe of law. *Ibid.* § 3.

—— Sheriffs refuſing or neglecting to comply with this act, forfeit £. 20 0 0 to the owner of the runaway. *Ibid.* § 4.

See NEGROES and SLAVES. SERVANTS and SLAVES.

SABBATH BREAKING.

PERSONS working on Sundays, or commanding or ſuffering their children or ſlaves to work, game, fiſh, &c. ſhall, on conviction before a ſingle magiſtrate, forfeit 200 lbs. of tobacco, for the uſe of the county. 1723, ch. 16, § 10.

SABBATH BREAKING.

—— Any houſekeeper ſelling ſtrong liquor on Sunday, (except in caſe of neceſſity,) or ſuffering drunkenneſs, gaming, &c. ſhall forfeit 2000 lbs. of tobacco, half to the county and half to the informer. *Ibid.* § 11.

—— Informations for Sabbath breaking to be made within one month, and all proſecutions for ſelling liquors, &c. on the Sabbath day, within ſix months. *Ibid.* § 13.

—— Directions to miniſters to read this act. *Ibid.* § 12.

SAINT-MARY's COUNTY.

The bounds of Saint-Mary's county eſtabliſhed. 1695, ch. 13.

Leonard-town erected. 1728, ch. 16.

—— Regulations reſpecting the ſaid town. 1730, ch. 5.

The levy court enabled to raiſe money annually for the ſupport of the child of Benjamin Bradburn. 1789, ch. 20.

An act to facilitate the draining of land therein. 1790, ch. 3, 1799, ch. 73.

The juſtices of Saint-Mary's county empowered to raiſe money annually for the ſupport of James Mills. 1791, ch. 7.

Allowance to the ſheriff for the conveyance of public letters. *Ibid.* ch. 20.

An act for the deſtruction of crows. 1794, ch. 31.

The levy court empowered to raiſe annually a ſum of money for the ſupport of the daughter of Mary Goodrich, a lunatic. 1797, ch. 13.

—— For the ſupport of Bennett Thompſon. *Ibid.* ch. 33.

—— For the ſupport of the child of Sarah Thompſon. 1798, ch. 8.

—— For the ſupport of James Flower. *Ibid.* ch. 9.

—— To raiſe money to pay to William Carpenter the amount of two hogſheads of tobacco ſtole out of a warehouſe therein, and the coſts of a ſuit againſt him. *Ibid.* ch. 48.

—— To raiſe money annually for the ſupport of Anne Walker. *Ibid.* ch. 95.

Money to be levied to repair the public gaol. 1799, ch. 51.

The average value of lands eſtabliſhed at 24/9 per acre. 1785, ch. 53, § 2.

Saint-Mary's, Calvert, Prince-George's and Charles counties, form the firſt diſtrict for holding county courts. 1796, ch. 43, § 2.

—— Saint-Mary's county court to be held the firſt Mondays in March and Auguſt. *Ibid.* § 3.

Saint-Mary's, Charles and Calvert counties, form the firſt diſtrict for the election of repreſentatives in Congreſs. 1791, ch. 62, § 1, 2.

Saint-Mary's, Charles and Calvert counties, form the firſt diſtrict for appointing electors to chooſe the preſident and vice-preſident. 1795, ch. 73, § 1.

Saint-Mary's county to be laid off into three ſeparate diſtricts for holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiſſioners appointed to lay off the ſaid diſtricts, and to fix the place of holding the elections in each. 1799, ch. 50, § 20.

SALE.

Certain gifts, ſales, &c. to miniſters or preachers declared void. Decl. 34.

See CHURCH.

For the proviſions for the ſale of the real eſtates of perſons dying indebted, ſee CHANCERY.

Proviſion for the ſale of real eſtates when they cannot be divided among thoſe entitled. 1786, ch. 45, 1797, ch. 114, 1799, ch. 49.

The chancellor to examine into ſales made by Daniel of St. Thomas Jenifer, while agent for the ſtate, and to execute deeds, on being ſatisfied that the purchaſers were entitled. 1796, ch. 12.

I N D E X.

SALE.

A ſale of the property in the hands of an executor or adminiſtrator may be directed by the orphans courts, on application, or *ex officio*. 1798, No. 101, ch. 8, § 3, 4.

A ſale may be ordered by the orphans court in caſe the ſurplus remaining in the adminiſtrators hands ſhall conſiſt of ſpecific property, or articles mentioned in the inventory, if a diſtribution cannot be agreed on, or the court ſhould deem a ſale more advantageous. *Ibid.* ch. 11, § 16.

The orphans court may allow a guardian to ſell part of the principal of his ward's eſtate, but no part of the real eſtate ſhall be diminiſhed without the approbation of the court of chancery or general court as well as the orphans court, and the ſaid court may at any time order the ſale of the perſonal property, conſiſting of ſpecific articles, ſuch as ſlaves, &c. *Ibid.* ch. 12, § 12.

Directions reſpecting ſales to be made by the ſtate's agent. 1799, ch. 80, § 5, 6, 10, 15.

For the manner of acknowledging and recording ſales, ſee SECRET SALES and GIFTS.

SALTED PROVISIONS.

Directions reſpecting them in Havre-de-Grace. 1796, ch. 21.

—— In Cheſter, in Kent county. 1797, ch. 7.

SALVAGE.

Manner of determining the *quantum* of ſalvage to be paid to the wreck-maſter, &c. in Worceſter county. 1799, ch. 82, § 2.

SCHEDULE.

Bonds taken under this act to be a lien on ſo much of the real property as is expreſſed in the ſchedule annexed thereto. 1799, ch. 80, § 5, 17.

—— Such ſchedule to be recorded with the bonds. *Ibid.* § 18.

SCHOOLS.

King William's ſchool eſtabliſhed. 1696, ch. 17, § 2.

—— A lot and houſes given to the rector, &c. in Annapolis, confirmed, though not conveyed. 1715, ch. 4, § 2.

—— The rectors, &c. empowered to ſell land in Dorcheſter county, and houſes, &c. in Annapolis, towards the payment of maſters, &c. 1750, ch. 26.

One ſchool to be erected in each county, and viſitors appointed, &c. 1723, ch. 19.

—— Viſitors incorporated for the free-ſchool in Anne-Arundel county, with the ſame powers as were given by the above act, &c. 1795, ch. 66.

Directions reſpecting the viſitors and the property of the free-ſchool in Kent county. 1741, ch. 1, 1765, ch. 30, 1768, ch. 20, March, 1779, ch. 2.

—— The viſitors empowered to erect the ſchool into a college, to be called Waſhington College. April, 1782, ch. 8.

See COLLEGE.

Viſitors to be appointed, &c. for Worceſter county, (newly erected.) 1746, ch. 7, 1763, ch. 16.

Viſitors appointed, and ground, &c. to be purchaſed, for a county ſchool in Frederick county. 1763, ch. 32.

—— Ground to be purchaſed in Frederick-town. 1768, ch. 6.

—— Ground veſted in the viſitors, and a houſe to be built thereon. 1769, ch. 17.

Eden ſchool to be erected for Somerſet and Worceſter counties, at a place convenient to both, &c. September, 1770, ch. 12, 1774, ch. 12.

A ſchool to be erected for Saint-Mary's, Charles and Prince-George's counties, at the Cool Springs, in Saint-Mary's county, to be called Charlotte-Hall. 1774, ch. 14.

SCHOOLS.

—— Seven or more viſitors empowered to act. October 1777, ch. 3.

—— Five or more truſtees empowered to act. Novemb 1783, ch. 19.

The rectors, &c. of King William's ſchool, in Annapol enabled to hold property as therein mentioned. 1774, ch. 1

—— Directions reſpecting meetings, &c. *Ibid.* June, 17 ch. 5.

The ſurviving viſitors of Cæcil county ſchool to chooſe oth to make up the number, who, when qualified, were veſted w the powers given to viſitors. October, 1777, ch. 5.

Lower-Marlborough academy eſtabliſhed, and a preſident truſtees appointed, their powers, &c. October, 1778, ch. 1

Waſhington academy eſtabliſhed on Back creek, and truſt appointed. November, 1779, ch. 15.

—— A ſupplementary act. 1784, ch. 64.

Viſitors appointed for Queen-Anne's county free-ſchool. tober, 1780, ch. 7.

Powers given to the Anne-Arundel county ſchool. M 1781, ch. 19, § 2.

The viſitors of Talbot county ſchool enabled to ſell the belonging thereto. November, 1782, ch. 30.

Funds eſtabliſhed for Waſhington college. 1784, ch. 7.

Saint-John's college founded. *Ibid.* ch. 37.

—— Supplementary acts. 1785, ch. 2, ch. 5.

See COLLEGE.

Proviſion made for conſolidating the funds of King Willi ſchool with thoſe of Saint-John's college. 1785, ch. 39.

The viſitors of the charity ſchool in Saint-Peter's pariſh Talbot county, empowered to convey the lands therein ment ed to the truſtees of the poor. April, 1787, ch. 24, § 2.

The free-ſchool property in Cæcil county veſted in the tru for the uſe of the poor, and to be delivered up to them by viſitors. November, 1787, ch. 18.

The free-ſchool property in Dorcheſter county veſted in truſtees of the poor. May, 1788, ch. 6.

A patent to be iſſued to the truſtees of the Charity Lo Eaſt Nottingham, in Cæcil county, for the ſupport of a ch ſchool for the uſe of the ſaid townſhip. 1793, ch. 37.

Acts done by the commiſſioners and truſtees for the town ſchool of Elkton confirmed. *Ibid.* ch. 42, § 2.

Truſtees appointed to diſpoſe of Eden ſchool, in Som county, and to apply the money in the purchaſe of land fo erection of a ſchool-houſe, &c. 1796, ch. 23.

—— The ſaid truſtees incorporated, empowered to hold perty, &c. *Ibid.*

A ſchool to be founded in Frederick-town, in Frederick ty, by the name of The Frederick County School. *Ibid.* ch

—— Viſitors appointed and incorporated, property b purchaſed veſted in them, and powers given to them. *Ibid.*

Parts of certain fines and forfeited recognizances, unde act relating to negroes, to be applied to the uſe of the co ſchools. *Ibid.* ch. 67, § 17, 18, 19.

Property belonging to county ſchools not to be value chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

A ſchool to be erected in Caroline county. 1798, ch § 2.

—— Truſtees incorporated, by the name of "The Tr of Hillſborough School, in Caroline County." *Ibid.* § 3.

—— The corporation empowered to hold real and other perty for the uſe of the ſchool, the yearly value of which not exceed 2000 dollars. *Ibid.*

—— Enabled to ſue and be ſued, to have a common ſeal *Ibid.* § 3, 4.

—— Directions for meeting, chooſing a preſident, fillin cancies, &c. *Ibid.* § 5, 6, 7.

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SCHOOLS.

— The conſtitution of the ſchool not to be altered but by act of the legiſlature. *Ibid.* § 8.

— The lot of ground therein mentioned veſted in the truſ- for the ſchool. *Ibid.* § 9.

Viſitors of Allegany county ſchool appointed and incorpo- d, and directions for building a ſchool-houſe, &c. *Ibid.* 58, § 2.

— Empowered to ſue and be ſued, and to have a common *Ibid.*

— Directions for filling vacancies, making ordinances, and inting teachers. *Ibid.* § 3, 4.

— For meetings to examine the progreſs of the ſtudents, ear complaints, &c. *Ibid.* § 5.

— The corporation empowered to take and hold all manner eal and perſonal property for the uſe and benefit of the ſaid ol. *Ibid.* § 6.

— The ordinances made, and accounts of their proceedings e laid before the general aſſembly when required. *Ibid.* § 7.

— The treaſurer directed to pay annually to the ſaid truſ- or their order, as a public donation, 200 dollars, to be ap- by them for the uſe of the ſaid ſchool, the firſt payment to n the firſt of October, 1799. *Ibid.* § 8.

he perſons therein named incorporated, by the name of he Truſtees of George-town School," with power to ſue and ued, to have a common ſeal, &c. *Ibid.* ch. 78, § 2.

— Manner of filling vacancies on the death or reſignation e truſtees, or on their removal from Kent or Cæcil counties. § 3.

— The truſtees to make ordinances, &c. and to appoint ers. *Ibid.* § 4.

— Directions for their meeting to examine the progreſs of udents, to hear complaints, &c. *Ibid.* § 5.

The truſtees empowered to take and hold all manner of and perſonal property for the uſe and benefit of the ſaid ol. *Ibid.* § 6.

rt of the donation to Waſhington college diſcontinued. ch. 107, § 2.

he treaſurer of the weſtern ſhore to pay annually to the ſe- ſeminaries of learning as follows:

o Waſhington academy, in Somerſet county, 800 dollars.

o truſtees for an academy to be eſtabliſhed in Talbot county, dollars.

o Charlotte-Hall ſchool, 800 dollars.

o Frederick county ſchool, 800 dollars. *Ibid.* § 3.

ruſtees appointed for an academy to be erected in Baltimore Harford county, who are to erect and ſuperintend the ſame her academies. *Ibid.* § 4.

— The ſaid truſtees to receive the ſaid ſum of 800 dollars ally from the treaſurer, to be applied to the erecting the academy, &c. *Ibid.*

— Empowered to hold, for the ſaid ſchool, land not more fifty acres, and perſonal property not more than £. 2000.

e viſitors, &c. of each of the ſaid ſchools to return, on or the 25th of November in each year, to the general aſ- , an account of all ſums received by them under this act, ſtate of their ſchools, &c. or to forfeit the ſaid donation. § 5.

there be no relations of perſons dying inteſtate within the egree, the whole ſurplus of the perſonal eſtate ſhall belong ſtate, ſaving to the different ſchools in this ſtate the rights by exiſting laws they now reſpectively poſſeſs. 1798, 01, ch. 11, § 15.

academy eſtabliſhed at Eaſton, in Talbot county, and appointed and incorporated. 1799, ch. 56, § 2, 3.

— Directions for filling vacancies. *Ibid.* § 4.

SCHOOLS.

—— The corporation empowered to ſue and be ſued, to have a common ſeal, &c. *Ibid.* § 5.

—— To appoint profeſſors, and make regulations. *Ibid.* § 6.

—— Directions for the meeting of the truſtees, and an oath to be taken by them. *Ibid.* § 7, 8.

—— The donation of 800 dollars to be annually paid to the order of the truſtees. *Ibid.* § 9.

—— The truſtees to report their proceedings, &c. on or before the twenty-eighth day of November in each year, to the general aſſembly. *Ibid.* § 10.

SCHOOLMASTERS.

Exempted from attendance as jurors during their continuance in their ſtations or buſineſs. 1715, ch. 37, § 4.

SCIRE FACIAS.

A clauſe of *ſcire facias* to be inſerted in every writ of attachment. 1715, ch. 40, § 3, 7, 1795, ch. 56, § 1.

The creditor of an inſolvent debtor may at any time ſue out execution againſt any lands, goods, &c. acquired by deſcent, gift, deviſe, bequeſt, or in a courſe of diſtribution, on any judgment obtained, without any writ of *ſcire facias*. 1774, ch. 28, § 6.

On the return of an execution on a forfeited recognizance, the party may appear and plead any plea which would have been good on a *ſcire facias*. April, 1782, ch. 42, § 2.

After the expiration of the time limitted in the confeſſion of judgment as a ſuperſedeas, execution thereon may be taken out without any *ſcire facias* or other delay. 1791, ch. 67, § 4.

Directions for iſſuing writs of *ſcire facias* on recognizances for the appearance, &c. under the acts directing the proceedings againſt perſons guilty of fornication. 1796, ch. 34.

SEAFARING MEN.

Directions for taking their depoſitions in the caſes therein mentioned. 1721, ch. 14, § 3.

SEA FORCES.

Power of the governor as to the ſea forces under the laws of this ſtate. Conſt. 33.

SEAL.

Puniſhment for counterfeiting the ſeals of the then province. 1717, ch. 8.

The council ſhall have power to make the great ſeal of this ſtate, which ſhall be kept by the chancellor for the time being, and affixed to all laws, commiſſions, grants, and other public teſtimonials, as has been heretofore practiſed in this ſtate. Conſt. 36.

All public commiſſions and grants ſhall be ſigned by the governor, and atteſted by the chancellor, with the ſeal of the ſtate annexed, except military and militia commiſſions. *Ibid.* 57.

Every bill paſſed by the general aſſembly, when engroſſed, ſhall be preſented by the ſpeaker of the houſe of delegates in the ſenate to the governor, who ſhall ſign the ſame, and thereto affix the great ſeal, in the preſence of the members of both houſes. *Ibid.* 60.

Every law ſhall be recorded in the general court office of the weſtern ſhore, and, in due time, printed, publiſhed, and certified under the great ſeal to the ſeveral county courts, in the ſame manner as hath been heretofore uſed in this ſtate. *Ibid.*

The oaths to the chancellor ſhall be adminiſtered to him by the governor at the time of delivering to him the great ſeal of this ſtate. February, 1777, ch. 5, § 2.

All perſons who may have ſervices done in the chancery court or land-office, or who may have the great ſeal affixed to any patent, commiſſion, or other paper, for their benefit, ſhall pay to

SEAL.

the regiſters the fees therein mentioned, to be paid by them to the treaſurers. November, 1779, ch. 25, § 22, 23, November, 1792, ch. 76, § 3, 5, 6.

A ſeal to be made for the office of the clerk for recording deeds within the diſtrict of Columbia. 1793, ch. 58, § 4.

—— The like fees to be paid for, and the like credit given to, certificates under that ſeal, as to that of a county court. *Ibid.*

The common ſeal of the veſtry of any pariſh to be annexed to certificates of entries of baptiſms, &c. in the pariſh regiſters, which ſhall then be received as evidence. 1798, ch. 24, § 22.

The orphans court in each county ſhall keep a ſeal for the ſaid court, and for the office of regiſter of wills, to be fixed to all certificates, proceſs, &c. *Ibid.* No. 101, ch. 15, § 12.

—— Thoſe courts which have not ſeals directed to provide them. *Ibid.*

SEAMEN.

Proviſion made for ſeamen loſing a limb, or being otherwiſe maimed or hurt. October, 1778, ch. 14, April, 1782, ch. 3, § 12, November, 1782, ch. 26, § 6.

SECRET SALES AND GIFTS.

No property ſhall be transferred to any purchaſer, mortgagee or donee of goods or chattels, remaining in poſſeſſion of the vendor, &c. unleſs by writing acknowledged before a judge of the general court, or a juſtice of the county where the vendor, &c. reſides, and recorded within twenty days in the records of the ſame county. 1729, ch. 8, § 5.

—— But this act ſhall not make void any ſuch ſale, &c. againſt ſuch ſeller, his executors, &c. only, or any claiming under him or them. *Ibid.* § 6.

No property in any ſlave, whereof the donor ſhall retain the uſe and poſſeſſion, ſhall be transferred, unleſs the gift be under hand and ſeal, acknowledged before a judge of the general court, or a juſtice of the county where the donor reſides, and recorded in the records of the ſame county within twenty days from the execution. 1763, ch. 13, § 2.

—— But this act ſhall not make void any parol gift, where there ſhall be an expreſs delivery of ſuch ſlave in purſuance thereof, and where the ſole uſe and poſſeſſion of ſuch ſlave ſhall be transferred, nor any bequeſt of a ſlave by will. *Ibid.* § 3.

SECURITIES.

Remedy given to the ſecurities of public debtors. 1786, ch. 52.

—— To ſecurities paying bonds, judgments, &c. for the principal. 1763, ch. 23, § 7, 8.

See ASSIGNMENT.

Remedy given to ſecurities of executors or adminiſtrators, if in danger of ſuffering, on application to the orphans courts. 1798, No. 101, ch. 14, § 11.

SENATE.

The legiſlature ſhall conſiſt of two branches, a ſenate and a houſe of delegates, which ſhall be ſtyled, The General Aſſembly of Maryland. Conſt. 1.

Manner of chooſing the ſenate. *Ibid.* 14, 15, 16, 17, 18, 1798, ch. 115, confirmed by 1799, ch. 48, 1799, ch. 50.

See EASTERN SHORE. ELECTIONS. ELECTORS of the SENATE.

—— In caſe of vacancy, the ſenate ſhall elect, by ballot, another perſon for the reſidue of the term of five years. *Ibid.* 19.

Not leſs than a majority of the ſenate, with their preſident, (to be choſen by them by ballot,) ſhall conſtitute a houſe for tranſacting any buſineſs other than that of adjourning. Conſt. 20.

SENATE.

The ſenate ſhall judge of the elections and qualifications of ſenators. *Ibid.* 21.

The ſenate may originate any other except money bills, to which their aſſent or diſſent only ſhall be given, and may receive any other bills from the houſe of delegates, and aſſent, diſſent or propoſe amendments. *Ibid.* 22.

—— Directions reſpecting matters to be annexed to money bills. *Ibid.* 11.

Power of the ſenate to puniſh perſons guilty of contempt, &c. *Ibid.* 12.

See DELEGATES.

Each houſe ſhall appoint its own officers, and ſettle its own rules of proceeding. *Ibid.* 24.

Oaths to be taken by the ſenators. *Ibid.* 28, 38.

—— Puniſhment for their acting contrary thereto. *Ibid.*

Power of the ſenate to adjourn. *Ibid.* 29.

A juſtice of the peace may be eligible as a ſenator. *Ibid.*

No field-officer ſhall be eligible as a ſenator. *Ibid.* 45.

Penalty on any perſon's giving a bribe to procure a vote to a ſenator. *Ibid.* 54.

Every bill paſſed by the general aſſembly, when engroſſed, ſhall be preſented by the ſpeaker of the houſe of delegates, to the ſenate, to the governor, who ſhall ſign the ſame, and then to affix the great ſeal, in the preſence of both houſes. *Ibid.*

See GENERAL ASSEMBLY.

Quakers, &c. otherwiſe qualified, and elected as ſenators, may by affirmation, qualify themſelves to take ſeats in the legiſlature. 1794, ch. 49, confirmed by 1795, ch. 11.

Proviſion made for ſending to the counties the votes and proceedings of the ſenate. 1790, ch. 51, § 2.

Letters ſent by the preſident of the ſenate, and endorſed on public ſervice, and joint letters ſent by the preſident of the ſenate and the ſpeaker of the houſe of delegates, ſhall be deemed public letters. *Ibid.* § 10.

SEQUESTRATION.

Judgments and decrees of the chancery court may be executed and fulfilled by ſequeſtration of the real and perſonal eſtate. 1785, ch. 72, § 25.

The eſtate of a witneſs refuſing to give evidence in the orphans court may be attached and ſequeſtered. 1798, No. 101, ch. 15, § 13.

—— The attendance of a party therein may be compelled by attachment and ſequeſtration. *Ibid.* § 15.

—— The payment of coſts therein may be compelled by attachment and fine, or by attachment and ſequeſtration. *Ibid.* § 17.

—— Every judgment, decree, deciſion or order, may be enforced by attachment and ſequeſtration as aforeſaid. *Ibid.* § 20.

SERVANTS AND SLAVES.

Penalty on carrying or ſending them out of the ſtate without paſſes. 1715, ch. 19, § 5.

Servants by indenture, &c. when to be taken up as runaways. *Ibid.* ch. 44, § 2.

—— How to make ſatisfaction for unlawfully abſenting themſelves. *Ibid.* § 3.

—— Penalty on perſons entertaining them. 1748, ch. 1, § 2, 3.

—— Puniſhment of ſervants or ſlaves entertaining or labouring them. *Ibid.* § 4.

Penalty on perſons dealing with ſervants without leave. *Ibid.* ch. 44, § 11, 12, 13.

Regulations reſpecting the time of ſervitude of imported ſervants. *Ibid.* § 14 to 18.

SERVANTS AND SLAVES.

— Indentures made by them during ſervitude declared
id. *Ibid.* § 19.
Regulations reſpecting the treatment of imported ſervants, and
eir puniſhment for miſbehaviour. *Ibid.* § 21.
Directions reſpecting the payment of tobacco for apprehending
naway ſervants or ſlaves in Pennſylvania or Virginia. *Ibid.*
20.
— Free men, apprehended there as ſuch, liable to be com-
tted on refuſing to pay ſuch tobacco. *Ibid.*
A free negro or mulatto intermarrying with a white perſon
ll become a ſlave for life, except a mulatto born of a white
man, who ſhall become a ſervant for ſeven years. 1717,
. 13, § 5.
— Such perſons to be diſpoſed of by the county courts for
uſe of the county ſchools. *Ibid.*
A white woman ſuffering herſelf to be got with child by a
gro or other ſlave, or free negro, ſhall become a ſervant for
en years. 1715, ch. 44, § 25.
— If a ſervant, ſhe ſhall finiſh her ſervitude, together with
isfaction for damages, and ſhall again become a ſervant for
en years. *Ibid.*
— Any free negro begetting ſuch child ſhall become a ſer-
nt for ſeven years. *Ibid.* § 26.
— White men begetting any negro woman with child,
hether free or ſervants,) ſhall undergo the ſame penalties as
ite women. *Ibid.* § 27.
— The times of ſervitude to be diſpoſed of by the county
rts for the uſe of the counties. *Ibid.*
— Free mulatto women having baſtard children, and free
gro women having baſtard children, by white men, are ſub-
t to the ſame penalties as white women for having mulatto
ards. 1728, ch. 4, § 2, 3.
— Servant women having baſtards, to ſatisfy the damages
ervitude or otherwiſe, as the court may direct, &c. 1715,
44, § 28, 29.
Power of the courts to determine on complaints between maſ-
and ſervants by petition, and diſputes reſpecting indentures.
d. § 30, 31.
Puniſhment of ſervants feloniouſly taking or purloining their
ters goods. *Ibid.* § 33.
Directions reſpecting ſervants taken up and committed as run-
ays. *Ibid.* § 6, 7, 8, 9, 34, 1719, ch. 2.
Directions reſpecting freedom dues to ſervants. 1715, ch. 44,
0.
mported ſervants, how to ſerve their owners for time loſt by
mitment for offences, or for fines paid on their behalf.
30, ch. 5, § 1, 2, 3.
Directions reſpecting the payment of fees on the proſecution
mported white ſervants. 1727, ch. 9.
Penalty on ordinary-keepers harbouring, entertaining, or ſel-
liquor to, any bought, indented or convict ſervant, without
e in writing. March, 1780, ch. 24, § 17.
The criminal court in Baltimore empowered to hear complaints
ween maſters and ſervants. 1793, ch. 57, § 17.

SETTLEMENT.

If any child or deſcendant of an inteſtate ſhall have been ad-
ced by ſuch inteſtate by ſettlement or portion, the ſame ſhall
reckoned in the ſurplus, and, if it be equal or ſuperior to a
e, ſuch child or deſcendant ſhall be excluded; and mainte-
ce or education, or money given without a view to a portion
ettlement, ſhall not be deemed advancement. 1798, No.
ch. 11, § 6.

SETTLERS ON RESERVED LANDS.

See LAND and LAND-OFFICE.

SHERIFFS.

Sheriffs ſhall be elected in each county by ballot every third year; that is to ſay, two perſons for the office of ſheriff for each county. Conſt. 42.

—— The one having the majority of votes, or (if both have an equal number,) either of them, at the diſcretion of the governor, to be commiſſioned by him for the office. *Ibid.*

—— Such perſon, having ſerved for three years, ſhall be ineligible for the four years next ſucceeding. *Ibid.*

—— Bond with ſecurity to be taken every year as uſual, and no ſheriff ſhall be qualified to act before the ſame is given. *Ibid.*

—— In caſe of vacancy by death, &c. before the expiration of the ſaid three years, the other perſon choſen as aforeſaid ſhall be commiſſioned by the governor to execute the ſaid office for the reſidue of the ſaid three years, the ſaid perſon giving bond and ſecurity as aforeſaid. *Ibid.*

—— In caſe of his death, &c. before the expiration of the ſaid time, a perſon to be appointed as aforeſaid by the governor and council, and to give bond, &c. *Ibid.*

The ſeveral counties of this ſtate, for the purpoſe of holding all future elections for delegates, electors of the ſenate and ſheriffs, to be divided into diſtricts as therein after directed. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Every part of the forty-ſecond ſection of the conſtitution which relate to the judges, time, place and manner, of holding the election for ſheriffs, abrogated, repealed and annulled, and the ſame ſhall be regulated by law. *Ibid.*

—— Commiſſioners appointed for laying off the ſeveral election diſtricts. 1799, ch. 50, § 20.

Directions for the appointment of judges and clerks, &c. *Ibid.* § 3, 4, 5, 6, 8.

—— Oath to be taken by the judges and clerks. *Ibid.* § 9.

—— The judges directed to hold the elections for ſheriffs on the firſt Monday of October, 1800, and of every third year for ever thereafter. *Ibid.* § 8.

—— The judges or judge as aforeſaid ſhall hold the ſaid elections at the ſeveral places herein before provided to be appointed, and the polls thereof ſhall be carried on without interruption or adjournment, ſo that the whole ſhall be concluded in one day. *Ibid.*

—— No ballot ſhall be taken before nine in the morning, nor after eight in the evening. *Ibid.*

—— All free men above the age of twenty-one years, having a free-hold of fifty acres of land in the county in which they offer to ballot, and reſiding therein, and all free men above the age of twenty-one years, and having property in the ſtate above £. 30, and having reſided in the county in which they offer to ballot one whole year next preceding the election, ſhall have a right of ſuffrage. Conſt. 42.

—— No perſon to be eligible to the office of ſheriff for a county but an inhabitant thereof above the age of twenty-one, and having real and perſonal property in the ſtate above the value of £. 1000. *Ibid.*

—— Every perſon qualified to vote ſhall vote in the election diſtrict in which he ſhall reſide at the time of the election, and at no other place. 1799, ch. 50, § 11.

—— Directions as to the manner of balloting, and for preventing frauds therein. *Ibid.* § 19.

—— Penalty for giving a bribe, &c. to procure any perſon's ballot. *Ibid.* § 18.

—— On uſing force, &c. to influence the election. *Ibid.* § 17.

Penalty on perſons having voted once offering to vote again in the ſame diſtrict or county. *Ibid.* § 12.

—— On perſons offering to vote in names not their own, or in the place of any perſon of the ſame name. *Ibid.*

—— On

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—— On persons residing out of the district offering to vote therein. *Ibid.*

—— On persons residing out of the county offering to vote therein. *Ibid.*

—— On persons residing out of the state offering to vote therein. *Ibid.*

—— On persons voting twice at one election. *Ibid.* § 13.

The ballot box to be locked up and sealed, in the presence of the clerks and others attending, and put in the custody of the acting or presiding judge. *Ibid.* § 14.

Directions for the meeting of the judges to count the ballots, and for their making returns of the persons elected. *Ibid.* § 15.

See ELECTIONS.

An election directed to be held for a sheriff for Somerset county. February, 1777, ch. 19, § 2.

The governor and council empowered to judge of and determine the validity of all elections for sheriffs, and if not made fairly and freely, and agreeable to the constitution, to issue new writs of election for sheriffs agreeable to the directions of the form of government. *Ibid.* § 3.

—— They may summon witnesses, and compel their attendance, or direct depositions to be taken, in the same manner as in the general court. 1786, ch. 22, § 2.

—— They shall give a copy of the complaint, and notice of the time, and if the party does not then attend, may determine in his absence. *Ibid.*

—— They may adjudge the costs and expences to be paid by either party, and compel payment, in the same manner as the general court. *Ibid.* § 3.

Every sheriff, before he acts as such, shall take an oath or affirmation, that he will not, directly or indirectly, receive any fee or reward for doing his office but what is or shall be allowed by law, nor will, directly or indirectly, receive the profits, or any part of the profits, of any office held by any other person, and that he does not hold the same office in trust or for the benefit of any other person. Const. 52.

—— Punishment of sheriffs so receiving the profits, &c. *Ibid.* 53.

Oath of office to be taken by sheriffs. February, 1777, ch. 5.

Form of a commission to a sheriff. *Ibid.*

The proceedings of sheriffs on attachments directed. 1715, ch. 40, § 4.

No sheriff or deputy-sheriff shall plead as an attorney in the court wherein he bears office. *Ibid.* ch. 41, § 9.

Directions respecting the penalty of bail bonds to be taken by sheriffs in civil cases. *Ibid.* ch. 46, § 3.

—— Penalty for not complying therewith. *Ibid.*

See BAIL BONDS.

Penalty on sheriffs collecting officers fees by execution where the former sheriff's receipt is produced. *Ibid.* § 6.

—— For refusing to allow in discount money due from them. *Ibid.* § 11, 12, 1724, ch. 21, § 4.

No sheriff or sub-sheriff shall take any bond, bill, or other writing obligatory, without endorsing thereon the account for which the same was passed. 1715, ch. 46, § 13.

—— Bonds, &c. taken by them without such endorsement shall be void, and the officers taking them shall lose their debts, and be debarred of suing any other action for the recovery. *Ibid.*

—— To prevent their receiving damage thereby, the time of their remaining in office shall not be accounted in the act of limitation. *Ibid.* § 14.

—— Mortgages, promissory notes or inland bills, taken by sheriffs or sub-sheriffs during their continuance, without endorsing the account for which they were passed, shall be void, and the debt shall be lost. 1769, ch. 15, § 2.

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—— On taking such mortgage, &c. they shall deliver to the debtor, if required, a fair account of the consideration. *Ibid.* § 3.

Sheriffs on receiving fees, shall deliver to the party, on demand, a fair account, in words at length, of the services, &c. *Ibid.* § 4.

Sheriffs shall not charge more than single imprisonment fees though the party is in prison at the suit of several persons. 1715, ch. 46, § 15.

Sheriffs directed to give notice of elections. 1716, ch. 11, §

Directions to sheriffs respecting runaway servants and slaves and for selling them for imprisonment fees, &c. 1719, ch.

Sheriffs or their deputies directed to read at every county court the act to prevent the tumultuous meetings, &c. of negroes and other slaves. 1723, ch. 15, § 8.

Directions respecting suits on sheriffs bonds. 1729, ch. 2

—— All actions brought on them to be sued within five years after passing such bonds. *Ibid.* § 3.

—— A saving to the state in its own right. *Ibid.* § 4.

—— A saving to infants, &c. a right of bringing suits within five years after the impediment is removed. *Ibid.*

—— Slaves, when executed, to be paid for on the certificate of the sheriffs. 1751, ch. 14, § 7.

Manner of entering judgment on default against sheriffs failing, when called on, to bring in persons taken in execution. 1768, ch. 10.

—— On default for failing to make return of any writ of execution. 1794, ch. 54, § 1.

—— On amerciament for failing to make return of any original writ, or to bring in persons taken on such writs. *Ibid.* §

—— Directions respecting rules for a return. *Ibid.* § 4.

—— Such judgments when paid by sheriffs to be assigned them. *Ibid.* § 3.

See AMERCIAMENTS. DEFAULTS.

Fines recovered before a justice of the peace, except the informer's part, to be paid by the constable to the sheriffs and them to the treasurer. February, 1777, ch. 6.

—— Duty of the sheriffs as to fines recovered in court. *Ib*

Fees allowed to sheriffs. November, 1779, ch. 25, § 3.

—— Where any writ of *capias ad satisfaciendum* shall issue poundage shall in no case be demanded or taken upon execution thereof, or upon charging any person in execution by virtue thereof for any greater sum than the real debt *bonâ fide* due and claimed by the plaintiff amounts to. *Ibid.* § 4.

—— Such sum the clerk or the plaintiff, his agent or attorney, shall make and specify on the back of such writ, with a note, (in case of penalty,) that the growing interest is claimed till payment. *Ibid.*

—— No sheriff shall be obliged to execute such writ without such endorsement. *Ibid.*

—— On the service of an execution for money or tobacco the sheriff shall charge and receive at the rate of $7\frac{1}{2}$ *per cent.* for the first £. 10 in money, or 1000 lbs. of tobacco, and 3 *per cent.* for the residue, in the same specie the execution shall issue for, to be endorsed as aforesaid. *Ibid.* § 5, 1790, ch. 59, §

—— On execution or attachment on lands held for years, or a greater estate, only one half the poundage fees. 17 ch. 59, § 2.

—— If the estate in land shall not be chargeable by appraisement, and delivered to the plaintiff, or by sale of the sheriff the quarter part only of the poundage fees shall be chargeable. *Ibid.*

—— Sheriffs shall not be answerable in actions of escape more than the sum of money or tobacco really due, or endorsed to be received on the execution in discharge thereof. November, 1779, ch. 25, § 5.

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Directions respecting the collection and payment by them of officers fees. *Ibid.* § 13, 14, 17, 18.

See OFFICERS FEES.

—— Sheriffs fees for the imprisonment of persons criminally charged excepted from the deduction of one fourth to be made from officers fees chargeable to the state or any county. November, 1787, ch. 34, § 3.

Sheriffs empowered to receive and collect, by execution or otherwise, all officers fees put into their hands for collection within the time limitted by law, in the last year of their offices; and all fees which became or shall become due to them for official services performed in the second year of their offices, in as full and ample manner as the said sheriffs might or could have received and collected the same during the time of their being sheriffs, for the space of one year next ensuing the expiration of their respective offices. November, 1788, ch. 31, § 1.

—— An account to be previously left, written in words at length, and an oath to be taken, that no part has been received, or any security or satisfaction, except what is credited. *Ibid.* § 2.

Duty of sheriffs under the act for licensing and regulating ordinary-keepers. March, 1780, ch. 24, § 3.

Directions to the sheriffs to take bail bonds in criminal cases. October, 1780, ch. 10.

See BAIL BONDS.

Duty of sheriffs respecting hawkers and pedlers. 1784, ch. 7, § 6, ch. 37, § 23.

Sheriffs directed to contract and take security, under the directions of the governor, for the transportation of slaves agreeably to the condition of their pardons. November, 1787, ch. 17, § 3.

—— They may either sell such slaves subject to such condition, or empower some person to sell them in the place to which they shall be transported. *Ibid.*

The mayor, recorder and aldermen, of George-town, in Montgomery county, empowered to elect a sheriff within the said town and the precincts. 1789, ch. 23, § 5.

No sheriff shall be an inspector of tobacco. *Ibid.* ch. 26, § 8.

Duty of the sheriffs respecting chimnies near tobacco warehouses. *Ibid.* § 56.

It shall be the duty of the several sheriffs to receive, and safe keep in their respective gaols, all such prisoners as may be committed under the authority of the United States, until they shall be discharged by the due course of the laws thereof, under the same penalties as if committed under the authority of this state. *Ibid.* ch. 30.

—— Provided, that the United States shall, at the discharge of the prisoners, pay fifty cents per month for each to the sheriff for the use of the county. *Ibid.*

—— Provided also, that they are to support such prisoners, committed for offences against the constitution or the laws of the United States. *Ibid.*

The several sheriffs required to take care of all public letters and packets, and expeditiously convey them, according to their directions, to the next sheriff of the adjacent county, and to give receipts therefor, and endorse the time of receiving them. 1790, ch. 51, § 5.

—— Public letters and packets defined. *Ibid.* § 10.

The votes and proceedings, laws and resolutions, of each session, to be printed, packed up, and delivered in the manner herein mentioned to the sheriff of Anne-Arundel county. *Ibid.* § 2, 3, 4.

—— Manner of forwarding them from the sheriff of Anne-Arundel county to and by the several sheriffs on the eastern shore. *Ibid.* § 6,

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—— Manner of forwarding them from the said sheriff to and by the several sheriffs on the western shore. *Ibid.* § 7.

The sheriffs, on receiving such letters, to endorse the time, and give receipts when required. *Ibid.* § 8.

—— Such receipts to be produced to the committee of claims in order to entitle the sheriffs to their reward. *Ibid.*

A penalty of £. 50 0 0 on sheriffs not complying with this act. *Ibid.*

Rewards allowed to the several sheriffs for their trouble, out of which they are to defray their charges. *Ibid.* § 9, 1791, ch. 20.

Sheriffs to deliver public letters or packets within five days to the proper sheriff as herein before directed, under the penalty herein before prescribed. 1790, ch. 51, § 12.

Deputies to perform the duty in case of inability by sickness or absence of the sheriffs, and on refusal or neglect to forfeit £. 15 0 0. *Ibid.* § 13.

Persons committed by a justice to a constable, under the act for the speedy recovery of small debts, may be carried to the sheriff to be safely kept. 1791, ch. 68, § 1, 2.

—— Execution on judgments for such debts may be directed to the sheriff of the county. *Ibid.*

—— Executions against the constables to be directed to the sheriffs. *Ibid.* § 6.

—— Sheriffs may be fined for neglecting to return executions. *Ibid.* § 12.

—— Judgment may be entered against them on failing to produce the defendants when taken, and execution may be issued, directed to the coroner. *Ibid.*

—— Sheriffs satisfying such judgments to have the same remedy against the defendants. *Ibid.* § 13.

—— Executions for fines under this act may be directed to the sheriffs. *Ibid.* § 14.

Sheriffs, on any runaway being committed to their custody, shall, within twenty days, cause the same to be advertised in some public news-paper, with a particular description of the person, cloaths, &c. November, 1792, ch. 72, § 2.

—— If no person applies within thirty days from such commitment, the sheriffs shall, within sixty days therefrom, advertise in the papers therein mentioned on the western and eastern shore respectively, until such runaways are released by due course of law. *Ibid.* § 3.

—— Sheriffs refusing or neglecting to comply with this act, forfeit £. 20 0 0 to the owners of such runaways. *Ibid.* § 4.

Sheriffs directed to summon a jury on the warrant of two justices, on the application of a lessor against a tenant for years or at will, refusing on notice to remove. 1793, ch. 43.

—— Directed also to serve the summons of the said justices on the tenant in possession. *Ibid.*

—— A warrant may be issued to the sheriff by such justices to deliver possession to the lessor, and also an execution for the costs. *Ibid.*

Manner of recovering amerciaments and defaults against sheriffs on criminal proceedings. 1793, ch. 60.

See AMERCIAMENTS. DEFAULTS.

The sheriffs of certain counties directed to hold their offices and to attend as therein mentioned. 1794, ch. 25.

Sheriffs to deliver within ten days to the supervisors of the public roads such warrants as the clerks shall deliver to them. *Ibid.* ch. 52, § 8.

Duty of the sheriffs in summoning juries to ascertain damages accrued by altering roads. *Ibid.* § 6.

When the sheriff cannot be safely trusted with the execution of writs, an elisor may be appointed. *Ibid.* ch. 54, § 5, 6.

The sheriffs bonds to be taken between the eighth of October and the first of January in each year, in the county courts, or

out of court before the chief juſtice, or two aſſociates. *Ibid.* § 8.

—— In caſe of death, ſickneſs, &c. of one of the aſſociate juſtices, the other ſhall call in two juſtices of the peace to judge with him of the ſufficiency of the ſecurities offered, and to atteſt the execution of the bond. *Ibid.*

—— The form of the bond preſcribed, and the penalty to be £. 10,000 0 0. *Ibid.*

—— Upon the death, reſignation, &c. of any ſheriff, the perſon appointed to ſucceed him ſhall give bond in the manner preſcribed by law within ſixty days from the date of his commiſſion. 1799, ch. 91.

In ſuits on ſheriffs bonds, the clerk ſhall, before the writs are iſſued, endorſe thereon at whoſe inſtance and for whoſe uſe the ſuits were inſtituted, which perſons ſhall be anſwerable for the coſts. 1794, ch. 54, § 10.

Sheriffs to return attachments iſſued from one county to another to compel the attendance of witneſſes to the county from which they were iſſued. 1795, ch. 23, § 2.

Sheriffs directed to obey ſubpœnas from the regiſter of the land-office on the eaſtern ſhore. *Ibid.* ch. 61, § 12.

The attorney-general, or any of his deputies, ſhall, *ex officio*, on the application of the reſpective ſheriffs, order writs of *capias ad ſatisfaciendum* to be iſſued for the recovery of all fines, penalties and forfeitures, impoſed by any court of record, with the coſts thereon. *Ibid.* ch. 74, § 2.

—— All fines, &c. with the coſts, ſhall be paid to the ſeveral ſheriffs to whom ſuch writs ſhall be directed, who ſhall, on or before the tenth day of November annually, pay over to the treaſurer all ſuch money received by them, except the coſts. *Ibid.* § 3.

—— Such writs to be returned to the term next ſucceeding the iſſuing thereof. *Ibid.* § 4.

—— If the perſon is returned as taken thereon, the ſheriff ſhall be obliged, either to acknowledge in open court the receipt of the full amount of ſuch fines, &c. with the coſts, or to produce the body of the perſon, and in default thereof, the court, on motion of the attorney-general, or any of his deputies, ſhall order judgment to be entered againſt ſuch ſheriff for the amount. *Ibid.*

—— The ſheriffs to pay over the coſts to the perſons entitled thereto. *Ibid.* § 6.

—— The ſheriff ſhall be anſwerable for all fines, &c. impoſed in their counties, where no writs of execution ſhall iſſue, unleſs they make it appear, to the ſatisfaction of the treaſurer, that the party was inſolvent. *Ibid.* § 7.

The judgment of death againſt a criminal to be executed by the ſheriff purſuant thereto, on a warrant from the governor. *Ibid.* ch. 82, § 1.

No inhabitant ſhall be arreſted out of the county where he reſides, until a *non eſt inventus* ſhall have been returned on a writ againſt him by the ſheriff or coroner of the county. 1796, ch. 43, § 14.

On a ſheriff refuſing or neglecting to pay over money which he ſhall have levied, collected or received, or which he ought to have levied, collected or received, the courts may, on motion, order judgment to be entered againſt him, and immediate execution to iſſue in the manner and on the proof therein directed. 1797, ch. 43, § 1.

—— The demand liable to be controverted before and determined by a jury. *Ibid.*

—— No writ of error, ſuperſedeas, injunction or appeal, to be allowed on ſuch judgment. *Ibid.*

—— The ſame remedy on the ſame terms, &c. given to a ſheriff againſt his deputy. *Ibid.* § 2.

Sheriffs directed to take the oath therein preſcribed reſpecting the ſummoning of jurors. *Ibid.* ch. 87, § 2, 4.

—— Certificates of the taking ſuch oath to be returned to the county courts, to be recorded. *Ibid.*

—— They ſhall not ſummon any juror to two general or county courts ſucceſſively. *Ibid.* § 3.

—— They ſhall not ſummon perſons under the age of twenty-five years, or otherwiſe unqualified. *Ibid.* § 5.

—— They ſhall not permit their deputies to ſummon jurors not directed by them. *Ibid.* § 7.

—— They ſhall return to the county courts a pannel of forty eight jurors qualified as aforeſaid. *Ibid.* § 8.

Sheriffs directed to ſerve any proceſs from the orphans court. 1798, No. 101, ch. 15, § 14.

Warrants for judges of the elections to be delivered by the county clerks to the ſheriffs. 1799, ch. 50, § 3.

—— The ſheriffs ſhall, within ten days thereafter, deliver them to the judges, or leave them at their laſt place of abode under penalty of 50 dollars. *Ibid.*

—— The ſheriff ſhall, under the penalty of 50 dollars, provide, and cauſe to be delivered to the judges reſpectively, the blank books, and if it be a ſheriff's election, a box for receiving the ballots. *Ibid.* § 7.

In caſe of an election of delegates or a repreſentative in congreſs to fill a vacancy, the warrant ſhall go to the ſheriff of the county, who ſhall appoint the day for holding the ſame, giving ten days excluſive notice. *Ibid.* § 6.

—— The ſheriff ſhall ſerve a copy of the warrant on each of the judges three days before the time appointed, under the penalty of 10 dollars. *Ibid.*

—— Such election ſhall be held within fifteen days after the warrant ſhall be received by the ſheriff. *Ibid.*

Duty of the ſheriffs in making returns of elections. 17[illegible] ch. 16, § 9, November, 1792, ch. 34, 1795, ch. 73, § 1799, ch. 50, § 15, 16.

See ELECTIONS.

No ſheriff ſhall ſummon any appraiſers on laying a writ *fieri facias* iſſued by any juſtice of the peace on the property any debtor on a judgment, or on any ſuperſedeas thereon. 17[illegible] ch. 86.

SHIPS.

Where any ſhip or veſſel ſhall ride at anchor in the channel of a navigable river dividing two counties, proceſs may be ſerved on board the ſaid ſhip by the officer of either county that ſhall firſt ſerve it, but when moored by any hold on the land, ſhall be ſuppoſed to lie in that county to whoſe ſhore ſhe is faſtened or moored. 1704, ch. 92, § 3.

Puniſhment of perſons ſtealing any ſhip, &c. as therein deſcribed. 1737, ch. 2, § 4.

Licenſed veſſels above twenty tuns burthen ſhall not be valued in the public aſſeſſment. 1797, ch. 89, § 1.

Puniſhment for maliciouſly burning any ſhip or other veſſel. 1799, ch. 61.

Proviſion made for the preſervation of ſhips or other veſſels ſtranded or in danger, on the ſea-coaſt in Worceſter county. *Ibid.* ch. 82.

—— Perſons making a hole in any veſſel in diſtreſs, or ſtopping any pump, materials or goods, or wilfully doing any thing tending to the immediate loſs of ſuch veſſel, their aiders, &c. ſhall be guilty of felony, and ſuffer death without benefit of clergy. *Ibid.*

See WRECKS.

SINGLE MAGISTRATES.

See JUSTICES of the PEACE.

SISTER.

When entitled to adminiſtration. 1798, No. 101, ch. 5, , 13, 15.

—— When entitled to the whole or a ſhare of an inteſtate's ſonal eſtate. *Ibid.* ch. 11, § 8, 9.

SLANDER.

Actions of ſlander, which the deceaſed might have brought, l not be brought by executors or adminiſtrators. 1798, . 101, ch. 8, § 5.

SLAVES.

ee NEGROES and SLAVES. SERVANTS and SLAVES.

SMALL DEBTS.

Where the real debt or damage does not exceed £. 10, or 00 lbs. of tobacco, one juſtice of the peace where the debtor les may try and determine the matter of controverſy, and on ring, &c. may give judgment according to the laws of the l and right of the matter. 1791, ch. 68, § 1.

— Such juſtice may charge the conſtable with the body of debtor in execution, who ſhall carry him to the ſheriff, (with ertificate or *mittimus* from the juſtice, expreſſing the debt coſt,) to be kept until ſatisfaction or other end thereof. .

— Or ſuch juſtice, or any other of the county, ſhall, within year from the judgment, award execution thereon, (directed he ſheriff where the debtor reſides,) by warrant or *mittimus*, he nature of a *capias ad ſatisfaciendum*, *fieri facias*, or rwiſe. *Ibid.*

— If upon the return of a warrant on any complaint d by ſuch juſtice the perſon cannot be found, the creditor proceed in the county court for obtaining an attachment, ording to the act for iſſuing out attachments, &c.) for any exceeding 10*ſ.* or 50 lbs. of tobacco. *Ibid.*

When a defendant is brought in on warrant, the juſtice may w him a certain day, (not exceeding fourteen days there- ,) to appear before him, or any other juſtice of the county, certain place to be appointed, to anſwer ſuch warrant. . § 2.

— Such defendant, if the juſtice ſhall award it neceſſary, l give ſecurity, in the nature of bail, for his appearance at ſaid time and place, and for paying the judgment thereon, or rendering his perſon to priſon in ſatisfaction thereof, and the ice, on default of ſuch ſecurity, may commit the defendant he conſtable, to be delivered over to the ſheriff. *Ibid.*

— If the defendant does not appear at the time and place ointed, judgment may be rendered againſt him on ſuch de- lt, or on an *ex parte* hearing. *Ibid.*

f after judgment againſt the principal debtor he does not pay ſame, or render himſelf on execution, (returnable in forty s from the iſſuing,) a warrant may be iſſued, and recovery execution had, againſt the bail as againſt the principal tor. *Ibid.*

— Such bail entitled to the ſame defence as in courts, and he liberty of delivering up the debtor on return of the war- , by paying the coſts thereof. *Ibid.*

he conſtable ſhall give notice to the plaintiff, or his agent, n the ſame hundred, of the time and place when he intends arry the defendant before a juſtice. *Ibid.* § 3.

— If neither attend at that time, or at a future time ap- nted, the juſtice may hear and determine the matter *ex parte*. .

Where the debt, &c. exceeds 20*ſ.* or 100 lbs. of tobacco, er party may appeal from the judgment to the next county rt, who may, on the petition of the appellant, in a ſummary hear the allegations and proofs, and determine according to

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the law of the land and the equity and right of the matter. *Ibid.* § 4.

—— Such determination to be made the firſt court, unleſs it ſhall appear that further time ought to be given. *Ibid.*

—— Either party may demand a trial by jury, or leave the matter to be determined by the court. *Ibid.*

—— No execution ſhall be ſtaid on ſuch appeal, unleſs the perſon, or ſome one on his behalf, ſhall enter into a bond, with ſufficient ſecurities, to be approved by the juſtice giving the judgment, in double the ſum recovered, with condition in the form preſcribed by this act. *Ibid.* § 5.

All warrants and executions under this act ſhall be returnable at a certain day, not exceeding forty days therefrom, before the juſtice iſſuing the ſame, or ſome other juſtice of the county, who, on application of the party, ſhall call on the conſtable for ſuch return. *Ibid.* § 6.

If a conſtable admits the receipt of any debt, &c. and does not pay the ſame, the juſtice may give judgment, and award execution againſt him, directed to the ſheriff. *Ibid.*

Witneſſes ſhall be allowed 2/6 for each day's attendance. *Ibid.* § 7.

Where witneſſes ſummoned do not attend, the juſtice may iſſue attachment, returnable to the next county court, who may fine the offender not exceeding 20*ſ.* to be applied towards defraying the charges of the county. *Ibid.* § 8.

The county courts ſhall not hold plea of any debt, &c. in caſes within the juriſdiction given to juſtices of the peace out of court by this act, which ſhall not exceed £. 10 or 1000 lbs. of tobacco. *Ibid.* § 9.

—— This act to extend only to debts or money or tobacco due on contract, and to damages for the non-delivery of grain, or other articles contracted to be delivered. *Ibid.* § 10.

Conſtables not returning warrants may be fined not exceeding 7/6. *Ibid.* § 11.

If a conſtable returns the perſon taken, and fails to produce him, the juſtice may fine him not exceeding 7/6. *Ibid.*

—— Such juſtice may thereon appoint another day, (not exceeding fourteen days therefrom,) for producing the defendant, and on failure may enter judgment againſt the conſtable for the debt and coſts, on which execution may iſſue, directed to the ſheriff of the county. *Ibid.*

—— But the juſtice may appoint any other day for producing the defendant, if it could not be done before on account of his ſickneſs, and may then enter judgment, and iſſue execution, as before, provided that before any execution, the plaintiff, or his agent, &c. ſhall make it appear that he has made or tendered to the conſtable an aſſignment of his cauſe of action. *Ibid.*

If a ſheriff neglects to make return of an execution under this act, the juſtice who iſſued it may fine him not exceeding 10*ſ.* *Ibid.* § 12.

—— If he returns the perſon taken, and fails to produce him, the juſtice before whom it is returned may, within ſixty days therefrom, enter judgment againſt ſuch ſheriff for the debt and coſts, on which execution may iſſue directed to the coroner, but ſuch judgment not to be entered without proof that the debt and coſts have been demanded by the plaintiff, his agent, &c. of the ſaid ſheriff, and that he refuſed or neglected to pay them. *Ibid.*

—— Sheriffs ſatisfying the debt, &c. ſhall have the ſame remedy againſt the defendant on the judgment as the plaintiff had. *Ibid.* § 13.

The oath of conſtables changed, and the form preſcribed. *Ibid.* § 15.

Conſtables empowered to take bail bonds from perſons arreſted, and on refuſal, to lodge them in gaol, to be kept by the ſheriff till the return day. *Ibid.* § 16.

I N D E X.

SMALL DEBTS.

Judgments rendered by a ſingle magiſtrate may be ſuperſeded within two months by confeſſion before one juſtice of the peace of the county in the manner therein preſcribed. *Ibid.* ch. 67, § 4.

See STAY of EXECUTION.

No ſheriff or conſtable ſhall ſummon any appraiſers on laying a writ of *fieri facias* iſſued by any juſtice of the peace on the property of any debtor, or on any ſuperſedeas on any ſuch judgement. 1799, ch. 86.

Directions reſpecting the recovery of ſmall debts in Georgetown. 1789, ch. 23, § 10.

SNOW HILL.

The town of Snow Hill, in Worceſter county, directed to be reſurveyed and laid out anew. November, 1792, ch. 53.

SOLDIERS.

No ſoldier ought to be quartered in any houſe in time of peace without the conſent of the owner, and in time of war in ſuch manner only as the legiſlature ſhall direct. Decl. 28.

No perſon, except regular ſoldiers, mariners and marines, in the ſervice of this ſtate, or militia when in actual ſervice, ought in any caſe to be ſubject to or puniſhable by martial law. *Ibid.* 29.

In all caſes where a militia-man may be draughted to perform a tour of duty under the laws of this ſtate, he ſhall be conſidered as a ſoldier, and liable to all the duties as ſuch, unleſs he ſhall furniſh a ſubſtitute. 1798, ch. 100, § 6.

SOLICITORS.

Juſtices of the orphans courts not to act as attornies or ſolicitors. 1791, ch. 76, § 3.

No chief juſtice or aſſociate juſtice of a county court ſhall, after qualification, act as an attorney or ſolicitor in any court of law or equity while he acts as a juſtice. 1796, ch. 43, § 8.

SOMERSET COUNTY.

The town of Saliſbury erected. July, 1732, ch. 15.

—— To be laid out anew. 1793, ch. 39.

Princeſs-Anne-town erected. March, 1732, ch. 13.

—— To be laid out anew. 1745, ch. 5.

—— The titles of purchaſers therein aided. 1751, ch. 16.

The town of Snow Hill to be laid out anew. 1742, ch. 11.

—— A ſupplement. 1747, ch. 7.

Eden ſchool erected, &c. September, 1770, ch. 12, 1774, ch. 12.

An act for the relief of the poor. 1785, ch. 57.

—— The truſtees empowered to place out young children. 1793, ch. 24.

An act to facilitate the draining of land. 1790, ch. 3.

An act for erecting a new bridge over Dividing creek, between Somerſet and Worceſter counties. 1796, ch. 11.

An act to diſpoſe of Eden ſchool, in Somerſet county. *Ibid.* ch. 23.

Commiſſioners appointed for erecting a priſon. 1797, ch. 18.

A library company incorporated. *Ibid.* ch. 23.

A public ferry authoriſed as therein mentioned. *Ibid.* ch. 24.

Acts relative to the public roads in Somerſet county. 1798, ch. 38, 1799, ch. 5.

An act for the more effectual preſervation of the breed of deer in Somerſet county. 1799, ch. 18.

The average value of lands eſtabliſhed at 24/9 per acre. 1785, ch. 53, § 2.

Caroline, Dorcheſter, Somerſet and Worceſter counties, form the fourth diſtrict for holding county courts. 1796, ch. 43, § 2.

SOMERSET COUNTY.

—— Somerſet county court to be held on the ſecond M days in May and November. *Ibid.* § 3.

Dorcheſter, Somerſet and Worceſter counties, form the eig diſtrict for the election of repreſentatives in Congreſs. 17 ch. 62, §, 2.

Somerſet and Worceſter counties, form the tenth diſtrict appointing electors to chooſe the preſident and vice-preſide 1795, ch. 73, § 1.

Somerſet county to be laid off into three ſeparate diſtri for holding elections. 1798, ch. 115, confirmed by 17 ch. 48.

—— Commiſſioners appointed to lay off the ſaid diſtricts, a to fix the place of holding the elections in each. 1799, ch. § 20.

SPEAKER OF THE HOUSE OF DELEGATES.

Not leſs than a majority of the delegates, with their ſpeak (to be choſen by them by ballot,) ſhall conſtitute a ho for the tranſacting any buſineſs other than that of adjourn Conſt. 8.

The ſpeaker, on a vacancy, to iſſue warrants of election therein directed. *Ibid.* 7, 1799, ch. 50, § 6.

Every bill paſſed by the general aſſembly, when engroſ ſhall be preſented by the ſpeaker of the houſe of delegates, the ſenate, to the governor, who ſhall ſign the ſame, Conſt. 60.

The ſpeaker of the houſe of delegates to be allowed four d lars and fifty cents for every day's attendance, beſides the cuſtomed itinerant charges. 1796, ch. 41.

SPECIAL COURTS.

An act to aſcertain officers fees therein. May, 1781, ch.

The governor empowered to iſſue commiſſions of oyer terminer, &c. November, 1787, ch. 1.

See OYER and TERMINER.

SPECIALTIES.

Limitation of time for bringing ſuits thereon, 1715, ch. § 6.

See LIMITATION of ACTIONS.

Vouchers required of claims on ſpecialties againſt the eſt of a deceaſed perſon, 1798, No. 101, ch. 9, § 4.

Puniſhment for ſtealing ſpecialties. 1799, ch. 75, § 3.

SPECIAL VERDICT.

On a ſpecial verdict, or caſe ſtated, the courts ſhall not c tinue any cauſe on a *curia advisare vult* longer than to the of the third court after verdict taken, or caſe ſtated. Nov ber, 1787, ch. 9, § 9.

SPECIFIC PROPERTY.

Directions reſpecting a diſtribution or ſale where the ſurp of an inteſtate's eſtate conſiſts of ſpecific property. 17 No. 101, ch. 11, § 16.

Directions reſpecting a ſale where the perſonal eſtate o ward conſiſts of ſpecific property. *Ibid.* ch. 12, § 12.

SPEEDY RECOVERY.

Acts reſpecting a ſpeedy mode of recovery, by ſending a c of the declaration. 1715, ch. 41, 1763, ch. 23, Novemb 1788, ch. 27, 1798, ch. 71,

SPERATE DEBTS.

Sperate and deſperate debts to be diſtinguiſhed in the in tory returned by executors or adminiſtrators. 1798, No. ch. 6, § 8.

I N D E X.

SPERATE DEBTS.

— The liſt of debts returned to be examined by the orphans courts, and ſuits to be brought for ſuch as they ſhall not mark as deſperate. *Ibid.* ch. 10, § 4.

— It is not the intention of this act that an executor or adminiſtrator ſhould be anſwerable at all events for a debt which he ſhall return ſperate, but merely to enable the court, and all parties concerned, to form a juſt eſtimate of the circumſtances of the deceaſed. *Ibid.* § 5.

SQUIRRELS.

Acts for their deſtruction. 1728, ch. 7, 1797, ch. 5.

STANDARD.

The juſtices of the county courts directed to complete their ſtandards of Engliſh weights and meaſures where defective, and to provide new ones where wanting, at the county charge. 1715, ch. 10, § 2.

— To take ſecurity from the ſtandard-keepers for their ſafe keeping, the due execution of their offices, &c. *Ibid.*

— On neglect to forfeit 500 lbs. of tobacco. *Ibid.*

— Buſhel and other meaſures uſed in buying and ſelling directed to be tried, ſtamped and numbered yearly by the ſtandard-keeper, except thoſe ſtamped in England. *Ibid.* § 3.

— Fine on perſons ſelling by any dry meaſure not ſtamped. *Ibid.* § 4, 5.

— On perſons buying by ſuch meaſures. November, 1765, ch. 1.

STATE.

The people of this ſtate ought to have the ſole and excluſive right of regulating the internal government thereof. Decl. 2.

No perſon in public truſt ought to receive any preſent from any foreign prince or ſtate, or from the United States, or any of them, without the approbation of this ſtate. *Ibid.* 32.

All indictments ſhall conclude, againſt the peace, government and dignity of the ſtate. Conſt. 57.

All penalties and forfeitures heretofore going to the king or proprietary ſhall go to the ſtate, ſave only ſuch as the general aſſembly may aboliſh, or otherwiſe provide for. *Ibid.* 58.

Any of the United States ſhall be recognized in this ſtate a body politic and corporate for the purpoſe of proſecuting actions againſt any perſon reſiding in this ſtate, on ſome citizen of this ſtate being anſwerable for coſts. 1785, ch. 36.

If any citizen of this ſtate ſhall be out of this ſtate when the act to direct deſcents takes place, ſo that he cannot have notice thereof, then the ſaid act, and the courſe of deſcent thereby eſtabliſhed, ſhall not extend to ſuch citizen, or his eſtate, if he ſhall die inteſtate during his abſence from this ſtate, nor ſhall the act affect the eſtate of any abſent citizen until three months after his return. 1786, ch. 45, § 11.

Any citizen of this ſtate having any claim thereon for money, may proſecute his action at law for the ſame againſt this ſtate as defendant, by iſſuing a ſummons directed to the attorney-general, and ſending therewith a ſhort note expreſſing the cauſe of action. *Ibid.* ch. 53, § 2.

— Such perſon may declare that the ſtate is indebted to him in any ſum, and the attorney-general ſhall plead thereto, and the iſſue ſhall be made up. *Ibid.*

— The jury ſhall try the iſſue or iſſues, and if they find for the plaintiff, may aſſeſs damages, which ſhall be paid by the ſtate, and with coſts if the jury find more due to the plaintiff than admitted by the auditor. *Ibid.*

— If the jury find for the ſtate, the plaintiff ſhall pay coſts of ſuit, and be liable to execution therefor. *Ibid.*

— The attorney-general ſhall exhibit the claim of the ſtate, and the jury may find that the plaintiff is indebted to the ſtate, and judgment may thereupon be entered againſt him for ſuch ſum and coſts. *Ibid.*

— Either the plaintiff or the attorney-general may appeal. *Ibid.*

On a bill in chancery being filed againſt the ſtate, the proceſs ſhall be ſerved on the attorney-general. *Ibid.* § 3.

Where an injunction is prayed to ſtay proceedings at law for payment of a debt claimed by the ſtate, the chancellor ſhall not order ſuch injunction on the affidavit of the complainant only, but ſhall be fully ſatisfied by other proof that the material facts in the complainant's bill are true. *Ibid.*

Directions for the continuance of cauſes where the attendance of a witneſs in the ſtate cannot be procured. November, 1787, ch. 9, § 8.

The ſtate empowered at any time to ſubſcribe and become a ſtockholder in the bank of Baltimore to an amount not exceeding 180,000 dollars, being the amount of the 600 ſhares of the original capital, the right of ſubſcribing to which is reſerved to the ſtate. 1795, ch. 27, § 12.

— The ſtate ſhall not be permitted to ſubſcribe in any one year more than 90,000 dollars, unleſs by expreſs conſent of the preſident and directors ſignified in writing. *Ibid.*

— When the ſtate ſhall become a ſtockholder to an amount not leſs than 66,000 dollars, it ſhall be entitled to appoint two directors, whoſe election ſhall be made during the firſt ſeſſion of each general aſſembly, one to be choſen by the ſenate, and one by the houſe of delegates, in their reſpective places of ſitting. *Ibid.*

Property belonging to the ſtate ſhall not be valued in the public aſſeſſment. 1797, ch. 89, § 1.

If there be no relations of an inteſtate within the fifth degree, the whole ſurplus of the perſonal eſtate ſhall belong to the ſtate, to be applied as the legiſlature ſhall hereafter direct, ſaving to the different ſchools in this ſtate the rights which by exiſting laws they now reſpectively poſſeſs. 1798, No. 101, ch. 11, § 15.

The Cheſapeake and Delaware canal company to pay, (after a profit of 30 *per cent.*) half the ſurplus to the ſtate. 1799, ch. 16, § 8.

Any dry goods, wares or merchandiſe, manufactured within this ſtate, may be ſold by hawkers or pedlers within this ſtate without a licence. *Ibid.* ch. 46.

Proviſion made for bringing ſuits or filing bills againſt the ſtate in the caſes therein mentioned. *Ibid.* ch. 79, § 7, 8.

An agent appointed for the ſtate for the year 1800. *Ibid.* ch. 80.

For other matters, ſee PUBLIC CREDITORS and DEBTORS.

STAY OF EXECUTION.

No execution ſhall iſſue on any judgment obtained in the court of appeals or general court, or any decree in the chancery court, provided the debtor ſhall come before one judge of the general court, one juſtice of the county court, or two juſtices of the peace where he reſides, within two months after the rendition of ſuch judgment, and, with two other perſons to be approved by ſuch judge, &c. confeſs judgment for the debt and coſts in the manner and form herein preſcribed. 1791, ch. 67, § 1.

— Such confeſſion ſhall be ſigned by the judge, &c. and a certificate thereof procured under his hand, which ſhall be a ſufficient ſuperſedeas to the ſheriff to forbear ſerving the execution. *Ibid.*

Execution may be ſtaid in like manner on judgments and decrees in the county and orphans courts, on confeſſion of judgement before a juſtice of the county court, or two juſtices of the peace of the county. *Ibid.* § 2.

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STAY OF EXECUTION.

Execution may be ſtaid on judgment rendered by a ſingle magiſtrate, on ſuch confeſſion of judgment, &c. before a juſtice of the peace of the county, with ſecurity, ſuch as he ſhall approve, to be ſigned and certified as in other caſes. *Ibid.* § 3.

Execution may be iſſued at any time within the two months before the judgment is ſuperſeded, the day of iſſuing the execution to be endorſed, and the time of ſuperſeding certified. November, 1792, ch. 74.

—— If the party be taken in execution, ſuch certificate afterwards obtained ſhall be a ſufficient ſuperſedeas to the ſheriff to releaſe the priſoner upon that execution, he paying or ſecuring his fees for that impriſonment. 1791, ch. 67, § 4.

The judge, &c. ſhall return the judgments ſo confeſſed to the clerk where the firſt judgment was obtained, or (if on a judgement by a ſingle magiſtrate,) to the clerk of the county, by the next court in courſe after, to be entered on record, under the penalty of £. 3. *Ibid.*

—— Fee for recording the ſame. *Ibid.*

After the expiration of the time limitted in ſuch confeſſion, execution may be taken out without any *ſcire facias*, or other delay, againſt the principal or ſecurity, or all or either of them, for ſuch judgment ſo confeſſed. *Ibid.*

This act not to affect judgments and executions under the act to eſtabliſh a bank in Baltimore-town. *Ibid.* § 6.

STEALING.

See CRIMES and PUNISHMENTS.

STILLS.

Not to be valued or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

STOCK.

Guardians empowered to cultivate the eſtates of their wards with the ſlaves, ſtock and utenſils, belonging to the wards, or to be purchaſed with their money, with the approbation of the orphans court. 1798, No. 101, ch. 12, § 8.

A truſtee appointed reſpecting the ſtock of the United States which might be ſubſcribed to by the creditors of this ſtate. 1790, ch. 41.

The agent to render an account to the general aſſembly of all transfers of ſtock on which he may be entitled to commiſſion. 1799, ch. 80, § 20.

SUFFRAGE.

Every man having property in, a common intereſt with, and an attachment to, the community, ought to have a right of ſuffrage. Decl. 5.

SUNDAY.

If any of the days for the performance of the duties required by the act for the valuation of property ſhould be a Sunday, ſuch duties to be performed on the day following. 1797, ch. 89, § 28.

For other matters, ſee SABBATH BREAKING.

SUPERSEDEAS.

A confeſſion of judgment as therein preſcribed ſhall be a ſufficient ſuperſedeas of an execution, though produced after the party is taken. 1791, ch. 67.

See STAY of EXECUTION.

Executions iſſued on the order of the preſident of the bank of Maryland not liable to be ſtaid by any ſuperſedeas. 1790, ch. 5, § 13.

—— Same as to the bank of Columbia. 1793, ch. 30, § 14.

SUPERSEDEAS.

—— Same as to executions againſt collectors for money received for the poor. 1794, ch. 53, § 3.

—— Same on executions againſt ſheriffs or collectors neglecting or refuſing to pay over money received. 1797, ch. 43, §

—— Same as to executions by ſheriffs, &c. againſt the deputies. *Ibid.* § 2.

—— Same as to executions againſt ſheriffs and paymaſters refuſal to pay over militia fines received by them. 179 ch. 100, § 20, 21.

SUPERVISORS.

May be permitted to accept labour on the roads inſtead taxes, and to give orders therefor receivable for ſuch tax 1794, ch. 52, § 2.

—— Rules for their conduct, and directions for the rates labourers, horſes, &c. on the roads, (except in Baltimore,) to fixed by the levy courts, and publiſhed. *Ibid.* § 3.

—— They may be directed by the levy courts to clear improve certain roads. *Ibid.* § 5.

—— They ſhall be appointed by warrant from the levy cou delivered to them by the ſheriffs, and ſhall ſerve till a new pointment is made. *Ibid.* § 7, 8.

—— Directions for filling vacancies. *Ibid.*

—— Bond and ſecurity to be given. *Ibid.*

—— In Baltimore county the bond to be approved by clerk. 1797, ch. 109, § 1.

Duty of the ſupervifors in repairing the roads, making and pairing bridges and cauſeways, and contracting for materi labour, &c. 1794, ch. 52, § 7.

—— On failure, they ſhall forfeit £. 5, unleſs ſuch fail ſhould happen after the money appropriated was expend *Ibid.* § 9, 10.

—— Such fine to be recovered before a ſingle magiſtrate, applied towards amending the roads. *Ibid.* § 9.

The ſupervifors empowered to uſe ſtone, gravel, &c. adjoin the roads to be repaired. *Ibid.* § 11.

—— Directed to give notice when any road, bridge or cau way, is to be amended. *Ibid.* § 12.

—— Allowance for their labour, expences, &c. *Ibid.* 17 ch. 112.

Directions reſpecting the ſummoning perſons in Alleg county. *Ibid.* § 15 to 19.

Fines for altering or injuring roads, to be paid to, and counted for by, the ſupervifors. *Ibid.* § 14.

SUPPLIES.

Acts for raiſing the ſupplies for the years therein mention May, 1781, ch. 25, November, 1781, ch. 4, ch. 19, A 1782, ch. 54, November, 1782, ch. 6, ch. 34, Novem 1783, ch. 17, 1784, ch. 56, 1785, ch. 83, 1786, ch. ch. 51.

SURPLUS.

The ſurplus of an inteſtate's eſtate, how to be diſtribu 1798, No. 101, ch. 10, ch. 11.

SURPLUS LANDS.

No caution or compoſition money required for any ſur land on any certificate then or thereafter to be returned on ſurvey of any tract or part of a tract of land granted before firſt of January, 1777. 1785, ch. 81.

No ſurplus land of one tract ſhall be applied to make up deficiency of any other in the ſame warrant on any certifica land granted before the firſt of January, 1777. April, 1 ch. 43.

See LAND and LAND-OFFICE.

I N D E X.

SURVEYORS.

To be appointed by the governor and council. Conſt. 48.

Every ſurveyor, before he acts as ſuch, ſhall take an oath, hat he will not, directly or indirectly, receive any fee or reward or doing his office but what is or ſhall be allowed by law, nor ill, directly or indirectly, receive the profits, or any part of the rofits, of any office held by any other perſon, and that he does ot hold the ſame office in truſt, or for the benefit of any other erſon. *Ibid.* 52.

—— Puniſhment for their ſo receiving the profits, &c. *Ibid.* 53.

Surveyors fees eſtabliſhed. November, 1779, ch. 25, § 5.

—— Where any ſurveyor returns a certificate for the examiation of the examiner-general, and the ſame ſhall be by him ound erroneous, the party for whoſe uſe the ſurvey is made ſhall ot be burthened with any fees on ſuch erroneous certificate, ither by the examiner-general or ſurveyor, but the ſurveyor reurning ſuch erroneous certificate ſhall pay the examiner-general or his trouble in examining the ſame one third part of ſuch fees s by this act are allowed to the examiner-general. *Ibid.* § 12.

On a commiſſion to mark and bound land, the commiſſioners ay cauſe the land to be ſurveyed by the ſurveyor of the county, r any other whom they may appoint. 1786, ch. 33, § 4.

—— They may adminiſter an oath or affirmation to ſuch ſurveyor. *Ibid.* 1793, ch. 70, § 5.

—— They may fix his allowance. 1786, ch. 33, § 7.

If plots in actions of ejectment are not returned from the eglect of the ſurveyor, or he is prevented by ſickneſs or accint from returning them, the courts may continue the actions. ovember, 1787, ch. 9, § 4.

—— If from neglect, the court may order him to pay the ſts of the term, and may fine him. *Ibid.*

See CONTINUANCE.

County ſurveyors and their deputies reſtrained from taking up nds, except in the caſes therein mentioned. 1789, ch. 35, § 2, ovember, 1792, ch. 15.

—— Penalty on their knowingly returning certificates conary to this act. 1789, ch. 35, § 3.

County ſurveyors empowered, on an order from the chancery urt, to lay down lands for the illuſtration of any matter in the id court, and to iſſue ſummonſes for witneſſes wanting on the id ſurvey, directed to the ſheriff or coroner as required. *Ibid.* 6.

County ſurveyors or their deputies ſeized of land by deſcent purchaſe, empowered to take up vacant land adjoining, and get patents in the uſual form. November, 1792, ch. 15, 2, 3.

—— The warrants to be executed by the ſurveyor of an adcent county. *Ibid.* § 4.

An affirmation by a quaker, &c. ſhall be as valid as an oath qualify him to act as a ſurveyor or chain-carrier under the act marking and bounding lands. 1793, ch. 70, § 5.

Caſes in which, on the death of a ſurveyor, the deputy is empwered to ſign the certificate. 1795, ch. 88, § 5.

Caſes in which a ſurveyor having reſigned may make out and a corrected certificate, and receive fees for the ſame. *Ibid.* § 6.

Surveyors directed, in returning certificates thereafter, to exſs the quantity and quality of the improvements contained on land included in the ſurvey or reſurvey, and ſubject to the eration of the warrant, with their opinions of the value of the me. *Ibid.* § 11.

Allowance to ſurveyors when employed under the act to direct ccents. 1799, ch. 49, § 2.

The governor and council empowered, at the requeſt of the nt, to employ perſons to aid the attorney-general in ſtate ts, by attending ſurveys, &c. *Ibid.* ch. 80, § 11.

See LAND and LAND-OFFICE.

SUSQUEHANNA.

An act for the preſervation of the breed of fiſh in the river Suſquehanna. 1768, ch. 4.

Certain perſons incorporated, by the appellation of "The Proprietors of the Suſquehanna Canal," to ſue and be ſued, to have ſucceſſion, &c. November, 1783, ch. 23, § 2.

—— Directions for meeting to elect a governor, directors, &c. *Ibid.* § 3.

—— Their power as to cutting a canal, &c. *Ibid.* § 4.

—— The corporation to expend £. 20,000 thereon, to be divided into twenty ſhares. *Ibid.* § 5.

—— The ſhares to be raiſed by ſubſcription, but no perſon to ſubſcribe more than one ſhare, nor leſs than one fifth of a ſhare. *Ibid.*

—— The number of ſhares increaſed to thirty, and foreigners empowered to hold them in the ſame manner as citizens. 1790, ch. 36, § 3, 4.

—— An ordinance paſſed by the corporation for ten additional ſhares confirmed. 1797, ch. 99.

—— Proviſion made for condemning land. November, 1783, ch. 23, § 6, 7.

The corporation veſted with an excluſive right in the canal, when finiſhed, with power of erecting griſt mills, &c. *Ibid.* § 8.

—— Their power as to the waters of the river, &c. *Ibid.* § 9.

—— Directed to erect bridges, or to keep proper boats, whenever a public road croſſes the canal, and empowered to make regulations for the navigation of the ſaid canal. *Ibid.*

—— Empowered to ſet and receive tolls. 1784, ch. 66, § 2.

—— To ſue for and recover ſubſcription money. November, 1783, ch. 23, § 10.

Bond to be given by the ſecretary, and his duty preſcribed. *Ibid.* § 11.

The times of meeting, and the manner of making laws and regulations, preſcribed. *Ibid.* § 12.

Perſons thereafter ſubſcribing entitled to become members, &c. *Ibid.* § 13.

Shares in certain caſes to be forfeited. *Ibid.* § 14.

Directions for beginning the canal, and time limitted for its completion. *Ibid.* § 15.

—— Further time allowed till firſt of October, 1798. 1790, ch. 36.

—— Further time allowed till firſt of December, 1805. 1797, ch. 99.

Owners of land through which the canal paſſed entitled to become ſubſcribers before the firſt of June, 1784. November, 1783, ch. 23, § 16.

The act incorporating the Cheſapeake and Delaware canal company not to be of force until a law ſhall be paſſed by the ſtate of Delaware as therein mentioned, and a law by the legiſlature of Pennſylvania declaring the river Suſquehanna to be a public highway, and authoriſing individuals or bodies corporate to remove obſtructions therein at a period not exceeding three years from the firſt of March, 1800. 1799, ch. 16, § 18.

The proprietors of the Suſquehanna canal empowered to add to their capital, not exceeding fifty ſhares. *Ibid.* ch. 17, § 1.

—— Subſcribers to ſuch ſhares declared to be incorporated in the company, &c. *Ibid.*

—— Manner of aſcertaining the ſums to be paid, and of enforcing the payment. *Ibid.* § 2.

The company ſhall expend on opening and clearing the bed of the river within the Maryland line 5000 dollars within five years from the paſſage of this act. *Ibid.* § 3.

—— They ſhall thereupon, and on completing the navigation of the bed of the river as aforeſaid, be entitled to half tolls. *Ibid.*

A loan of 30,000 dollars made by the ſtate to the company. *Ibid.* § 4.

SUSQUEHANNA.

A town, to be called Chefapeake, to be erected at the mouth of the river Sufquehanna. 1795, ch. 21.

An act for making an addition to the town of Havre-de-Grace, and to improve the navigation of the river Sufquehanna, &c. *Ibid.* ch. 63.

SWINE.

Acts refpecting them. 1791, ch. 8, ch. 27, 1793, ch. 5, ch. 32, 1794, ch. 41, 1796, ch. 49, 1797, ch. 11, ch. 47, 1798, ch. 20, ch. 51, ch. 52, 1799, ch. 13, ch. 33, ch. 42.

TALBOT COUNTY.

THE Iſland of Kent made part thereof. 1695, ch. 13.

Regulations refpecting the bounds between Talbot and Kent counties. *Ibid.*

The bounds of Talbot county preſcribed. 1706, ch. 3.

An act for the relief of the poor. 1785, ch. 15.

—— A fupplement thereto. 1797, ch. 9.

A town to be built therein, to be called Talbot. 1785, ch. 32.

—— A fupplement. 1799, ch. 67.

—— The name changed to Eaſton, and the general court directed to be held there. November, 1788, ch. 16.

The truſtees of the charity ſchool in Saint-Peter's pariſh empowered to convey the lands therein mentioned to the truſtees of the poor. April, 1787, ch. 24, § 2.

A court-houſe to be built for the accommodation of the general court for the eaſtern ſhore, and Talbot county court. 1789, ch. 36.

—— Commiſſioners appointed to ſell the old court-houſe, to provide repoſitories for the records, &c. and a temporary houſe for holding the courts. 1791, ch. 4, ch. 28.

The commiſſioners in the ſaid town inveſted with the powers given by the act to regulate the aſſize of bread. *Ibid.* ch. 10.

Proviſion made to facilitate the draining of land. 1790, ch. 3, 1799, ch. 73.

An act to provide for the appointment of commiſſioners for the regulation and improvement of Eaſton, in Talbot county, and to eſtabliſh and regulate a market at the ſaid town. 1790, ch. 14.

—— Supplements thereto. *Ibid.* ch. 23, 1791, ch. 10, 1794, ch. 58.

A bridge to be built over Tuckahoe creek. 1794, ch. 48.

A further ſum to be levied for building the court-houſe. *Ibid.* ch. 63.

A new gaol to be built in Eaſton. *Ibid.* ch. 67, 1797, ch. 25.

Richard Johns, late ſheriff and collector, empowered to collect the balances due to him. 1795, ch. 39.

—— The adminiſtrators of the ſaid Richard Johns empowered to collect the balances due to him. 1796, ch. 57.

An act relating to the public roads in Talbot county. 1797, ch. 63.

The veſtry of Saint-Peter's pariſh enabled to receive a deed of certain land therein mentioned. *Ibid.* ch. 74.

—— The ſaid veſtry empowered to rebuild, or pull down the old church and build a new one, &c. *Ibid.* ch. 80.

Acts done by the ſheriff, *(who had not bonded,)* confirmed, and directions for taking his bond. 1799, ch. 25.

An academy eſtabliſhed at Eaſton. *Ibid.* ch. 56.

The average value of land eſtabliſhed in Talbot county at 27*ſ.* per acre. 1785, ch. 53, § 2.

Cæcil, Kent, Queen-Anne's and Talbot counties, form the ſecond diſtrict for holding county courts. 1796, ch. 43, § 2.

TALBOT COUNTY.

Talbot county courts to be held the fourth Monday in Ma and ſecond Monday in November. *Ibid.* § 3.

Queen-Anne's, Caroline and Talbot counties, form the ſeve diſtrict for holding elections for repreſentatives in congr 1791, ch. 62, § 2.

Queen-Anne's and Talbot counties form the eighth diſtrict appointing electors to chooſe the preſident and vice-preſid 1795, ch. 73, § 1.

Talbot county, for the purpoſe of holding elections, divi into four ſeparate diſtricts. 1798, ch. 115, confirmed by 17 ch. 48.

—— Commiſſioners appointed for laying off the ſaid diſtri &c. 1799, ch. 50, § 20.

TALES AND TALISMEN.

On a petition for freedom, either party may challenge perem torily to the number of twelve jurors impannelled to try the fa in iſſue, and for want of a ſufficient number a *tales*, at prayer of either party, ſhall be awarded by the court. 17 ch. 67, § 24.

The general and county courts ſhall at all times have po to direct taliſmen to be ſummoned to ſerve on juries, wh without ſuch taliſmen, there would not be twenty of the origi pannel, excluſive of the jury charged, from whom a jury can formed. 1798, ch. 94.

TAXES.

No aid, charge, tax, burthen, fee or fees, ought to be raiſed or levied, under any pretence, without the conſent of legiſlature. Decl. 12.

The levying taxes by the poll is grievous and oppreſſive, ought to be aboliſhed; paupers ought not to be aſſeſſed for ſupport of government, but every other perſon in the ſtate o to contribute his proportion of public taxes for the ſuppor government, according to his actual worth in real or perſ property within this ſtate, yet fines, duties or taxes, may perly and juſtly be impoſed or laid with a political view for good government and benefit of the community. *Ibid.* 13.

The legiſlature may, in their diſcretion, lay a general equal tax for the ſupport of the Chriſtian religion, leaving to dividuals to appropriate the ſum to any particular ſect, or to poor in general of any particular county. *Ibid.* 33.

See CHURCH.

An act to prevent frauds and abuſes in the collection of p lic taxes, and to extend the time of payment of the tobacco October, 1780, ch. 21.

Taxes impoſed by ſeveral acts, viz. May, 1781, ch. November, 1781, ch. 4, ch. 19, April, 1782, ch. 54, Nov ber, 1782, ch. 6, ch. 34, November, 1783, ch. 17, 17 ch. 56, 1785, ch. 83, 1786, ch. 21, ch. 25.

Acts for the relief of the ſeveral collectors of the tax, their ſecurities, therein reſpectively mentioned. 1784, ch. 1785, ch. 30, ch. 63.

An act for the relief of the collectors of the tax for the y 1784 and 1785. 1786, ch. 51.

The canals, works, &c. of the Patowmack company, exe from any tax. 1794, ch. 33, § 9.

—— Same as to the Suſquehanna canal company. ch. 66, § 2.

—— Same as to the Pocomoke company. 1796, ch. 17, §

Directions reſpecting writs of replevin for property diſtra for taxes. 1785, ch. 34, 1790, ch. 53.

See REPLEVIN.

The ſtate's agent directed to ſuperintend the collection balances due on bond for taxes due before the firſt of Janu 1783. 1799, ch. 80, § 13.

I N D E X.

TAXES.

e taxes therein mentioned directed to be paid for ſeals in ancery court. November, 1779, ch. 25, § 22, 23.
— The taxes therein mentioned directed to be paid for ſer- in the court of chancery and the land-office. November, ch. 76.
e taxes therein mentioned to be paid on certain proceedings county courts. 1796, ch. 43, § 28, 29, 1797, ch. 69.

TENANTS.

at intereſt ſhall be forfeited on conviction of tenant in April, 1782, ch. 19.
ner in which tenants in tail may convey the eſtates. mber, 1782, ch. 23, 1786, ch. 45, § 6.
ESTATES TAIL.
notice given, and refuſal by tenant for years or at will to e, the leſſor, or his heirs, &c. may apply to two juſtices of ace, who may direct a jury to be ſummoned, &c. and may reſtitution, and iſſue their warrant to the ſheriff, and give ent, and iſſue execution for coſts. 1793, ch. 43.
— In the caſes therein mentioned, where ſecurity is given tenant to proſecute his claim at the next county court, uſtices ſhall forbear to award reſtitution. *Ibid.*

TENDER.

eties or endorſers paying or tendering the ſum due by the al, entitled to an aſſignment from the creditor. 1763, 6, § 7.
ASSIGNMENT.
ections reſpecting the tendering to the treaſurers money n certificates of ſurvey requiring correction, &c. 1795, 8, § 8.
LAND and LAND-OFFICE.
ections reſpecting a tender by an executor or adminiſtrator creditor of the deceaſed in the caſes therein mentioned. No. 101, ch. 8, § 10.

TEST.

other teſt or qualification ought to be required on admiſ- any office of truſt or profit than ſuch oath of ſupport and y to this ſtate, and ſuch oath of office, as ſhall be directed convention, or the legiſlature of this ſtate, and a declara- f a belief in the Chriſtian religion. Decl. 35.

TESTE OF WRITS.

writs from the county courts ſhall be teſted in the name chief juſtice, and in caſe of his death, reſignation or diſ- cation, (before a new appointment,) in the name of the te juſtice firſt named in the commiſſion. 1796, ch. 43, § 9.

TESTIMONY.

poſitions may be taken before a judge of the general court ounty juſtice, on giving twenty days notice to the oppoſite or if abſent, to his agent or attorney, or if he has left ſetting up notice in writing at the court-houſe of the twenty days before they are taken. July, 1779, ch. 8,
— Such depoſitions, with proof of the notice, to be lodged the clerk of the county where taken, who ſhall record the *Ibid.*
— Such depoſitions, or a tranſcript thereof under ſeal, er taken before or after ſuit, may be read in evidence on bitration or trial, if ſuch deponents die or can not be had end, of which proof muſt be made. *Ibid.* § 3.
hen it appears by affidavit of the party that his witneſs is kely to live, or is about to march out of the ſtate as a , &c. ſuch depoſitions may be taken on ſuch notice, leſs

TESTIMONY.

than twenty days, as the judge, &c. may think reaſonable, giving convenient time for the party to attend. *Ibid.* § 6.
— The ſaid judge, &c. ſhall give the party a certificate of having made affidavit, and of the number of days appointed for notice, to be lodged with the depoſitions, an atteſted copy of which ſhall be evidence. *Ibid.* § 7.
This act not to extend to proving the boundaries of land, or to alter the law in force for that purpoſe. *Ibid.* § 4.
— The common mode ſhall be adopted in the caſe of minors without guardians or truſtees, abſentees who are reſidents of the ſtate, or of others of the United States, or of foreign ſtates in amity, where they have no truſtee, &c. *Ibid.* § 5.
Commiſſion may iſſue from chancery, on bill for that purpoſe, before appearance by the defendant. *Ibid.* § 8.
— On return thereof, if no good objection is made within twelve months, the chancellor may order it to be recorded in perpetual memory. *Ibid.*
For other matters, ſee DEPOSITIONS. EVIDENCE. WITNESSES.

THIEVING.

See CRIMES and PUNISHMENTS.

THIRDS.

If there be a widow, and a child or children, or a deſcendant or deſcendants from a child, of a perſon dying inteſtate, the widow ſhall have one third of the ſurplus of the perſonal eſtate. 1798, No. 101, ch. 11, § 2.
Widows, by renouncing a bequeſt of perſonal property, entitled to one third of the perſonal eſtate, after payment of debts. *Ibid.* ch. 13, § 2.
— If nothing paſſes by a deviſe, a widow ſhall not be barred, whether ſhe renounce or not. *Ibid.* § 5.
See DOWER.

TOBACCO.

No more than eight *per cent.* intereſt to be taken for tobacco lent, &c. 1704, ch. 69, § 1.
Fees allowed to attornies in tobacco. 1715, ch. 48.
— To officers as herein mentioned. November, 1779, ch. 25.
— All fees and allowances to officers or others given in tobacco ſhall be paid in tobacco at 12/6 per hundred, or in ſpecie, valuing dollars at 7/6, at the election of the perſon charged. October, 1780, ch. 23.
— Directions reſpecting poundage fees in money or tobacco. November, 1779, ch. 25, § 5, 1790, ch. 59.
See OFFICERS FEES. SHERIFFS.
The ſum of money or tobacco preſcribed, to be within the juriſdiction of the chancery court. 1715, ch. 41, § 7.
Directions reſpecting bail bonds to be taken in tobacco. *Ibid.* ch. 46, § 3.
Amount of money or tobacco within the equity juriſdiction of the county courts. 1763, ch. 23, 1791, ch. 88, November, 1792, ch. 63.
Proviſion made for the ſale of lands held by infants, if charged or chargeable with the payment of money or tobacco. November, 1773, ch. 7, October, 1778, ch. 22.
Procedendo to be awarded on a writ of *habeas corpus* where the debt, &c. does not exceed the ſum of money or tobacco therein mentioned. October, 1778, ch. 21, § 11.
The ſum of money or tobacco preſcribed, to be within the juriſdiction of the county courts. 1791, ch. 68, § 9, 10.
The jury empowered to find by verdict the ſum of money or tobacco due in ſuits as therein mentioned. 1785, ch. 80, § 13.

TOBACCO.

The governor and council empowered to procure for the ſtate loans of money or tobacco. *Ibid.* ch. 88, § 1.

What notes ſhall be current and receivable for all contracts in tobacco, and judgments and decrees thereon. 1789, ch. 26, § 31, 1790, ch. 57, § 4.

Tobacco not to be valued or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

Puniſhment for cutting up tobacco plants, and deſtroying tobacco and tobacco-houſes. 1744, ch. 5.

See CRIMES and PUNISHMENTS.

TOBACCO INSPECTION.

Penalty on exporting or carrying out of the ſtate, by land or water, any tobacco, unleſs in hogſheads inſpected, &c. at ſome public warehouſe, agreeably to the directions of this act. 1789, ch. 26, § 3.

—— Proviſion made for ſeizing tobacco about to be carried out, and the carriages, &c. employed therein. *Ibid.*

The juſtices of the peace directed to meet in the counties therein mentioned to determine on the places for inſpection-houſes, and the number of inſpectors neceſſary at each. *Ibid.* § 4, 69, 1795, ch. 71.

Directions for the meeting of the judges to recommend inſpectors to the governor and council. 1789, ch. 26, § 5, 1790, ch. 55.

—— The oath therein preſcribed to be taken by the juſtices. 1789, ch. 26, § 6.

—— Each juſtice to declare in writing his choice of a warehouſe, and the names of the inſpectors, copies of which ſhall be ſent to the governor and council, who ſhall appoint two out of the five, or one out of the three, recommended. *Ibid.*

—— Penalty on juſtices neglecting to attend. *Ibid.* § 7.

No member of the general aſſembly or the council, clergyman, practiſing attorney or phyſician, ſheriff, clerk of the general or county courts, or any commiſſioner of the tax, ſhall be nominated or appointed as inſpectors. *Ibid.* § 8.

Manner of filling vacancies. *Ibid.* § 9.

The governor and council ſhall annually, on or before the firſt day of March, furniſh the collectors of the United States in this ſtate with the names of the ſeveral inſpectors, and their reſpective warehouſes annexed. *Ibid.* § 10.

The inſpectors to tranſmit to the governor and council annually, on or before the tenth of November, liſts of tobacco delivered by them, which are to be compared with the original manifeſts, to be obtained by the governor and council from the collectors for that purpoſe. *Ibid.* § 11.

Manufactured tobacco may be exported in the manner therein preſcribed. *Ibid.* § 12.

Oaths to be taken by the inſpectors. *Ibid.* § 13, 14, 1795, ch. 71.

The inſpectors to give bond as therein directed. 1789, ch. 26, § 15.

The juſtices to aſcertain the ſalaries as therein mentioned. *Ibid.* § 16.

Penalty on inſpectors buying or receiving tobacco, or intermeddling or procuring tobacco to be ſold or conſigned. *Ibid.* § 17.

Penalty on perſons eraſing or altering the marks ſet on any hogſhead of tobacco by the inſpectors. *Ibid.* § 18.

Penalty on inſpectors receiving, and on perſons offering to them, any gratuity, &c. more than their ſalaries. *Ibid.* § 19.

The times preſcribed for the attendance of inſpectors for the inſpection and delivery of tobacco. *Ibid.* § 20, 70, 1790, ch. 55, § 8, 1793, ch. 47, § 6.

Manner of uncaſing, inſpecting, weighing and marking, the tobacco. 1789, ch. 26, § 21.

TOBACCO INSPECTION.

—— Manner of determining, when two inſpectors [illegible] agree. *Ibid.*

—— Of inſpecting tobacco belonging to the inſpectors. *Ibid.*

—— Proviſion made in caſe of one or more of the inſpectors being prevented by ſickneſs from attending. *Ibid.* § 22, 23.

The juſtices directed to provide ſcales, prizes, &c. and a cial property therein veſted in the inſpector. *Ibid.* § 24.

The inſpectors to ſettle their accounts with the juſtices. § 25, 1791, ch. 61, 1793, ch. 47.

Printed notes to be delivered by the inſpectors as therein rected. 1789, ch. 26, § 27.

Directions for viewing and examining tobacco when per are entitled thereto by the inſpectors notes, and for paying tobacco where it is adjudged unmerchantable. *Ibid.* § 28, 29.

Penalty on inſpectors giving out notes before they have ceived the tobacco. *Ibid.* § 30.

Directions for giving tranſfer notes for tobacco, clear of received by the inſpectors in parcels. *Ibid.* § 31.

—— Such notes to be current and receivable for all cont in tobacco, and judgments and decrees thereon, in the m therein mentioned. *Ibid.*

—— The inſpectors to pay the amount of ſuch tranſfer in hogſheads, containing at leaſt 900 lbs. of net tobacco. § 31, 32.

—— Allowance therefor, and penalty on neglect or re *Ibid.*

—— The inſpectors directed to burn all traſh tobacco br in parcels, and no parcels containing traſh to be carried 1790, ch. 55, § 5.

—— All tranſfer tobacco, when prized in hogſheads, ſubject to the ſame charges for inſpection and otherwiſe a tobacco is ſubject to. 1789, ch. 26, § 33.

The inſpectors directed to make entries of all tobacco inſ by them, and to ſign manifeſts of tobacco ſhipped, &c. § 34.

Tobacco not to be paſſed, (except tobacco in parcels,) packed in caſks of the dimenſions therein preſcribed. § 35.

Puniſhment of perſons forging or counterfeiting any manif note of an inſpector, or knowingly offering the ſame. *Ibid.*

—— On perſons exporting tobacco ſtamped with a forg counterfeited ſtamp, or demanding tobacco of an inſpect any forged or altered manifeſt or note, knowing the ſame forged, &c. *Ibid.* § 37.

See CRIMES and PUNISHMENTS.

Manner in which perſons loſing inſpector's notes may r the tobacco. *Ibid.* § 38.

Proviſion made for picking and repacking tobacco refu be paſſed by the inſpectors. *Ibid.* § 39.

Penalty on inſpectors converting ſamples of tobacco t own uſe. *Ibid.* § 40.

Complaints againſt inſpectors may be heard by the ju who have power to remove them, and ſhall tranſmit the pr ings to the governor and council. *Ibid.* § 41.

—— The governor and council ſhall thereupon appoint perſon out of the laſt recommendation for the reſidue of th but either party, on ſuch complaints, may appeal from th ſion of the juſtices to the governor and council. *Ibid.*

The county clerks directed to record the proceedings juſtices, and to attend them at their meetings. *Ibid.* § 4

Tobacco not to be tranſported from the warehouſes ſels without ſufficient [illegible]ring. *Ibid.* § 43, 1793, § 2, 3.

—— The oath therein pre[illegible]ed to be taken by the of flats. 1793, ch. 47, § 3.

I N D E X.

TOBACCO INSPECTION.

Directions to the juſtices to meet, and determine on the buildings, &c. wanting at the ſeveral warehouſes, and to appoint two of the ſaid juſtices to contract therefor. 1789, ch. 26, § 44.

—— Such juſtices to contract with the proprietors, and on their neglect to give bond as therein directed, to contract with other perſons. *Ibid.*

—— Penalty on the ſaid two juſtices for neglect or omiſſion. *Ibid.* § 46.

—— The bond ſo taken to be lodged with the county clerks. *Ibid.* § 45.

—— Proviſion made for payment of the ſums ſo contracted for by the two juſtices aforeſaid. *Ibid.* § 47.

The juſtices empowered at any time of the year to put in execution ſo much of this act as relates to the building and repairing of public warehouſes, making wharfs, &c. *Ibid.* § 48, 1790, ch. 55, § 7.

Proviſion made for payment of money due to the proprietors of warehouſes under the former inſpection law. 1789, ch. 26, § 49.

Directions for the delivery over of tobacco by inſpectors to the perſons who may be appointed in their place, who are to be anſwerable therefor, &c. *Ibid.* § 50.

Penalty on inſpectors, if warehouſes are burnt by them wilfully or for want of care. *Ibid.* § 51.

Allowance to the juſtices attending to agree for repairs, &c. and to the inſpectors meeting them. *Ibid.* § 52.

Penalty on perſons carrying or attempting to carry away tobacco which the inſpectors may refuſe to paſs, or direct to lie. *Ibid.* § 53.

The inſpectors to weigh and give receipts for tobacco if required, which ſhall be returned when the tobacco is inſpected, and notes given. *Ibid.* § 54.

Penalty on perſons, (other than the inſpectors,) making a fire within any public warehouſe, or without doors within the ſpace of fifty yards. *Ibid.* § 55.

—— Puniſhment of ſlaves ſo offending. *Ibid.*

Penalty on perſons erecting wooden chimnies within one hundred yards of any public warehouſe, and power given to demoliſh ſuch chimnies. *Ibid.* § 56.

When ſpecial bail ſhall be awarded on actions founded on this act. *Ibid.* § 57.

Proviſion made for purchaſing or condemning land whereon to erect public warehouſes, and for building the ſame. *Ibid.* § 58.

This act to be given in charge to the grand jury. *Ibid.* § 59.

The juſtices directed yearly to inquire into the number of warehouſes and inſpectors, the quantity of tobacco inſpected, &c. and to tranſmit their determination reſpecting the continuance or ſuppreſſion of the warehouſes, and reſpecting the number of inſpectors required, to the governor and council, who may thereupon increaſe or diminiſh the number of inſpectors as therein preſcribed. *Ibid.*

—— The warehouſes which may be diſcontinued under the above powers directed to be ſold, if belonging to the county. *Ibid.*

Allowance to the inſpectors, and to the proprietors of warehouſes. *Ibid.* § 60, 1793, ch. 47, § 4, 1795, ch. 71, § 5, 1799, ch. 87.

Charges to be paid for warehouſe room. 1789, ch. 26, § 6.

In actions for any thing done in this act, the perſons may plead the general iſſue, and give this act, &c. in evidence. *Ibid.* § 62.

—— Double coſts to be allowed on failure in ſuch actions. *Ibid.*

Proſecutions and actions for the recovery of penalties, &c. for any breach of this act, to be commenced within one year. *Ibid.* § 63.

TOBACCO INSPECTION.

—— Actions againſt perſons making any ſeizure, or doing any thing in conſequence of this act, to be brought within one year. *Ibid.*

Certain tobacco, which had been received by inſpectors under the former inſpection law, permitted to be exported, in the manner therein directed. *Ibid.* § 64.

Directions for burning tobacco, which after packing, repacking and finally determining on the ſame, ſhall be, in the judgement of the inſpectors, unmerchantable. *Ibid.* § 65.

Regulations reſpecting warehouſes in Frederick and Waſhington counties. *Ibid.* § 66, 67.

The collectors of the United States entitled to one penny per hogſhead for tobacco ſhipped from their diſtricts, to be paid at the time of ſhipping by the ſhipper. 1790, ch. 55, § 9.

Regulations reſpecting the meetings of the juſtices in Cæcil county. 1789, ch. 26, § 69.

—— Reſpecting their meeting on the eaſtern ſhore. *Ibid.* § 70.

Regulations reſpecting the inſpectors in Frederick and Waſhington counties, and the manner of inſpecting the tobacco made therein. *Ibid.* § 71, 72.

Regulations reſpecting a warehouſe built in Annapolis. *Ibid.* § 73.

An act to eſtabliſh a third inſpection of tobacco at George-town, in Montgomery county. 1790, ch. 30.

A ſecond inſpection eſtabliſhed in Frederick county, at the town of Berlin. *Ibid.* ch. 57.

An act reſpecting the increaſe of the ſalaries of the inſpectors at Elk-Ridge warehouſe. 1791, ch. 46.

An act for the eſtabliſhment of a warehouſe at Beard's Point, in Anne-Arundel county. *Ibid.* ch. 52.

In ſuits on inſpectors bonds, the clerk ſhall, before iſſuing the writ, endorſe thereon the names of the parties at whoſe inſtance, and for whoſe uſe, the ſuit was inſtituted, who, in caſe of *non pros*, verdict, &c. ſhall be anſwerable for coſts. 1794, ch. 54, § 10.

Inſpectors of tobacco not to be appointed commiſſioners of the tax. 1797, ch. 89, § 2.

TOLL.

No more than a ſixth part of corn, and an eighth part of wheat, to be taken by millers, under a penalty of 1000 lbs. of tobacco, half to the ſtate and half to the informer. 1704, ch. 16, § 6.

Tolls to be received by the Patowmack company. 1784, ch. 33, § 9, 1790, ch. 35, 1794, ch. 29, 1797, ch. 93.

—— By the Suſquehanna canal company. 1784, ch. 66, § 2, 4, 1799, ch. 17, § 3.

—— By the Pocomoke company. 1796, ch. 17, § 15, 17, 21, 26.

—— By the Cheſapeake and Delaware canal company. 1799, ch. 16, § 9.

—— By the George-town bridge company. 1791, ch. 81, § 5, 1797, ch. 41.

—— By the Eaſtern Branch bridge company. 1795, ch. 62, § 6.

—— By the preſident and directors of the Water-ſtreet bridge company. 1796, ch. 56, § 9, 10.

—— By the Anacoſtia bridge company. 1797, ch. 92, § 6.

—— By the ſeveral commiſſioners under the act to lay out ſeveral turnpike roads in Baltimore county. April, 1787, ch. 23, § 17, 18, 19, 20, 25, 26, 27.

—— By the commiſſioners under the act to ſtreighten and amend the poſt-road from Havre-de-Grace to Baltimore-town. *Ibid.* ch. 29, § 2, 3.

—— By

TOLL.

—— By the preſident, directors and company, of the Waſhington turnpike road. 1796, ch. 69, § 16, 17, 18, 19, 20, 21, 26, 31, 32.

—— By the preſident, directors and company, of the Elizabeth turnpike road. 1797, ch. 65, § 14, 15, 16, 17, 18, 20.

—— By the Reiſter's-town turnpike road company. *Ibid.* ch. 70, § 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 31.

TORTS.

Executors and adminiſtrators empowered to commence and proſecute any perſonal action which the teſtator or inteſtate might, except actions of ſlander and for injuries and torts done to the perſon. 1798, No. 101, ch. 8, § 5.

TOWN LANDS.

Proviſions made reſpecting the titles to town lands under the act of 1683. 1715, ch. 32.

TOWN LOTS.

Rules to be obſerved by the commiſſioners of the tax in eſtimating them. 1797, ch. 89, § 41.

TREASON.

No law to attaint particular perſons of treaſon ought to be made. Decl. 16.

There ought to be no forfeiture of any part of the eſtate of any perſon for any crime except for murder, or treaſon againſt the ſtate, and then only on conviction and attainder. *Ibid.* 24.

On conviction for treaſon, the judgment ſhall be to ſuffer death by hanging only, and the circumſtance of cruelty in the judgment by the law of England ſhall be omitted, and the judgment as to forfeiture of property ſhall be as heretofore. April, 1782, ch. 42, § 6.

Certain crimes declared to amount to treaſon, and perſons guilty thereof to ſuffer death, and forfeit their eſtates. February, 1777, ch. 20, § 2.

—— Such crimes to receive the ſame conſtruction as was given to them under the Britiſh ſtatute of Edward 3d, commonly called the Statute of Treaſons. *Ibid.*

—— Perſons concealing ſuch crimes, &c. to be adjudged guilty of a miſpriſion of treaſon, and to forfeit their eſtates. *Ibid.* § 3.

Proceedings of outlawry directed againſt perſons guilty of high treaſon, who might evade a trial by being out of the reach of legal proceſs. October, 1777, ch. 20, § 28.

No perſon to be tried for treaſon or miſpriſion of treaſon againſt the ſtate, unleſs the indictment be found within three years after the offence committed. *Ibid.* § 29.

Directions reſpecting the teſtimony on trials for treaſon. *Ibid.*

The forfeitures for treaſon excepted out of thoſe which are to go to the colleges. 1784, ch. 7, § 4, ch. 37, § 21.

On conviction and attainder of tenant in tail he ſhall forfeit no other eſtate than during life, and the continuance of heirs of his body, and the rights of all perſons in reverſion or remainder, other than the offender or his heirs, ſhall be preſerved, and not affected or barred by ſuch forfeiture. April, 1782, ch. 19.

The general court ſhall not take cognizance of, or hold juriſdiction over, any offences, &c. except treaſons, miſpriſions of treaſons, murders, felonies and inſurrections. 1790, ch. 50, § 1.

Directions reſpecting the ſale of eſtates forfeited for treaſon. June, 1780, ch. 8, § 9.

Acts reſpecting the liquidation and payment of debts againſt perſons convicted of treaſon. April, 1782, ch. 36, November, 1782, ch. 24, November, 1783, ch. 34, 1786, ch. 49, November, 1787, ch. 23.

See PUBLIC CREDITORS and DEBTORS.

TREASURER.

The treaſurers, one for each ſhore, may be appointed by the houſe of delegates during their pleaſure. Conſt. 13.

—— In caſe of refuſal, &c. in the receſs of the aſſembly, the governor and council may appoint and commiſſion a perſon to hold the office till the meeting of the aſſembly. *Ibid.*

Every treaſurer, before he acts as ſuch, ſhall take an oath, that he will not, directly or indirectly, receive any fee or reward for doing his office but what is or ſhall be allowed by law, nor will, directly or indirectly, receive the profits, or any part of the profits, of any office held by any other perſon, and that he does not hold the ſame office in truſt or for the benefit of any other perſon. *Ibid.* 52.

—— Puniſhment for ſo receiving the profits, &c. *Ibid.* 53.

—— Oath of office preſcribed. February, 1777, ch. 5.

A liſt of fines, &c. recovered before any juſtice of the peace, to be returned annually to the treaſurers reſpectively. *Ibid.* ch. 6, § 1.

—— Such fines to be paid to them by the ſheriffs. *Ibid.*

—— Amerciaments in the general and county courts to be paid to them. *Ibid.* § 2.

Miniſters directed to return to them annually, in November, liſts of marriages celebrated by licence. *Ibid.* ch. 12, § 8.

—— Blank marriage licences to be delivered to them by the governor and council, and by them, (on application,) to the county clerks for each year, they firſt counterſigning the ſame and taking receipts. 1797, ch. 38, § 2.

—— Liſts of ſuch licences granted by the clerks to be returned to the treaſurers annually, on or before the firſt of May. *Ibid.* § 3.

—— The ſum of 25*ſ.* to be then paid to them by the clerks for each licence before delivered in blank, except for thoſe returned. *Ibid.* § 5.

—— On refuſal or neglect of the clerks to return ſuch liſts and to account for them, the treaſurer ſhall charge them with the whole amount delivered at the rate of 25*ſ.* and proſecute ſuits therefor. *Ibid.*

Liſts of ordinary-keepers, and of fines, &c. under the act for their regulation, to be returned by the county clerks on or before the firſt of October yearly to the treaſurers. March, 1780, ch. 24, § 3.

—— Money received by the ſheriffs under the ſaid act to be paid to them yearly, on or before the firſt of October, and by them to be accounted for to the general aſſembly. *Ibid.* § 20.

Slaves condemned to ſuffer death, and actually executed, or dying in gaol, ſhall be paid for to the owner by the treaſurer on the certificate of the ſheriff of the valuation by the juſtices. 1737, ch. 2, § 5, 6, 1751, ch. 14, § 7, 12.

—— The value certified as therein directed to be paid to the owners of ſlaves killed for refuſing to ſurrender, or unlawfully reſiſting any officer, &c. 1751, ch. 14, § 9.

The owner of a ſlave pardoned as therein mentioned ſhall be paid as if the ſaid ſlave had been executed. November, 1781, ch. 17, § 3.

The treaſurer ſhall pay the valuation of ſlaves convicted in the general court under the act reſpecting the puniſhment of criminals, and the produce of the ſale of ſuch ſlaves, after ſerving their time on the roads, ſhall be paid to the treaſurer. 1792, ch. 57, § 28, 29.

The treaſurer directed to deliver out bills of credit and certificates to perſons having allowances on the journal of account. March, 1778, ch. 16, § 2, 3.

—— To ſign the certificates in the form therein preſcribed. *Ibid.* § 4.

Bills of credit under the act of November, 1766, ch. 9, directed to be brought in to the treaſurer of the weſtern ſhore by the firſt of June, 1780. November, 1779, ch. 38, § 2.

—— T

TREASURER.

—— The ſaid treaſurer appointed commiſſioner for complying with the directions in the ſaid act, &c. *Ibid.* § 4.

—— Directed to ſign the certificates in the form therein preſcribed, and to have them counterſigned by his clerk. *Ibid.* § 9.

The treaſurer directed to offer the bills under this act to every public creditor. June, 1780, ch. 8, § 15.

—— Directed to draw bills of exchange on the truſtees of the bank ſtock. *Ibid.* ch. 24, § 1.

Bills under the act of June, 1780, ch. 8, directed to be ſent by the continental commiſſioner to the treaſurer of the eaſtern ſhore. October, 1780, ch. 5, § 5.

—— The treaſurer of the weſtern ſhore directed to retain in the treaſury a part of the ſaid bills. *Ibid.* § 7, 8.

Fees in chancery for the great ſeal to be paid by the regiſter to the treaſurer of the weſtern ſhore every half year. November, 1779, ch. 25, § 23.

The collectors to account on oath with the treaſurer for money received, and the treaſurer empowered to adminiſter ſuch oath, &c. October, 1780, ch. 21, § 2.

The regiſters of the land-offices to iſſue warrants as therein mentioned on the order or titling of the treaſurers. November, 1781, ch. 20, § 3.

—— The purchaſe or caution money to be paid to the treaſurers before grants ſhall iſſue. *Ibid.*

The treaſurers empowered to grant orders or titlings to the regiſters for warrants in the manner and on the terms therein mentioned. *Ibid.* § 4.

—— Proceedings to be directed by them on failure of payment. *Ibid.*

—— Money to be received by the treaſurers for improvements on cultivated land and for eſcheat lands. *Ibid.*

—— The treaſurer of the weſtern ſhore to have the care of the debt books and other papers relative to the revenue of the late proprietaries, and the bond to be anſwerable. *Ibid.*

—— The governor and council empowered to make rules, &c. for the treaſurers in iſſuing their titlings or orders for warrants. *Ibid.* § 6.

—— The treaſurers reſpectively ſhall finally aſcertain the value of the land and improvements therein mentioned, and ſhall receive the money therefor. *Ibid.* § 9, 1795, ch. 61, § 4.

—— Directions for the repayment of caution money received for reſerved lands. April, 1782, ch. 38, § 7.

See LAND and LAND-OFFICE.

The money received for marriage licences, and for the fines, &c. therein mentioned, ſhall remain in the hands of the treaſurer of the eaſtern ſhore, ſubject to the orders of the viſitors and governors of Waſhington college, according to this act. 1784, ch. 7, § 2, 3, 4, 16, 1798, ch. 107, § 2.

—— A ſimilar proviſion made as to Saint-John's college on the weſtern ſhore. 1784, ch. 37, § 19, 20, 21, 36.

—— The money received for ordinary, hawkers and retailers licences, to be appropriated in the ſame manner on the reſpective ſhores. *Ibid.* ch. 7, § 5, 6, 8, 15, 16, ch. 37, § 22, 23, 25, 32, 36.

Duty of the treaſurer under the act to eſtabliſh funds to ſecure the payment of the ſtate debt within ſix years, &c. *Ibid.* ch. 55.

Directions to the treaſurer as to ſubſcribing, making payment and voting in the Patowmack company. *Ibid.* ch. 33, § 20, 1795, ch. 51, ch. 89.

The treaſurer to credit the bonds of purchaſers of confiſcated property on the adjudication of the chancellor. 1785, ch. 66, § 8.

Duty of the treaſurer under the act reſpecting executions againſt certain public debtors. *Ibid.* ch. 84.

TREASURER.

The treaſurer to iſſue certificates in the form therein preſcribed on account of money or tobacco loaned to the ſtate. *Ibid.* ch. 88, § 1.

The treaſurer directed to return the caution money paid on certificates, which, by the chancellor, may be decreed void, and to retain the certificates ſo endorſed as vouchers. *Ibid.* ch. 67, § 2.

The treaſurers directed to examine collectors on oath as to their receipt of certificates paid in by them. 1786, ch. 21, § 2, 4.

—— To put their bonds in ſuit on failure to comply with this act. *Ibid.* § 4.

Payments to be made by the treaſurer on account of the Nottingham lot lands and the Welch tract ſold by the intendant as confiſcated property. November, 1788, ch. 40, § 4.

The treaſurer of the weſtern ſhore directed to deliver to the truſtee for the ſtate therein before appointed all the continental paper then in the treaſury which might be ſubſcribed for under this act. 1790, ch. 41, § 4.

Directions for payment of the ſum agreed to be advanced to the preſident for the city of Waſhington. 1791, ch. 45, § 11.

The treaſurer empowered to receive from the ſettlers on the reſerved lands weſtward of Fort Cumberland the money due on their contracts. *Ibid.* ch. 85, § 1, 3.

The treaſurer of the weſtern ſhore to certify when certificates alleged to be loſt have not been received into the treaſury, or funded. November, 1792, ch. 38, § 2.

—— To renew certificates which had been loſt, on the direction of the governor and council. *Ibid.*

—— Empowered to approve the ſureties on bonds directed to be given by perſons applying for the renewal of ſuch certificates. *Ibid.* § 3.

—— The eſtate which is to be bound by ſuch bonds to be ſpecified to the treaſurer, and endorſed on the bond. *Ibid.*

—— The treaſurer directed to tranſmit annually a liſt of ſuch liens to the ſeveral counties where the lands lie, to be recorded at the party's expence. *Ibid.*

The money for taxes, decrees, &c. in the chancery and land-office, to be paid every three months to the treaſurer of the weſtern ſhore. *Ibid.* ch. 76, § 5.

—— The treaſurer to keep the ſaid money apart from all other money, to be applied towards the payment of the chancellor's ſalary quarterly. *Ibid.* § 6.

Duplicates of the returns of militia fines, and accounts of the money paid, to be annually lodged with the treaſurers. 1793, ch. 53, § 16.

Money to be received by the treaſurer from the ſettlers on the reſerved lands as therein mentioned. *Ibid.* ch. 62, 1794, ch. 30.

The treaſurer of the weſtern ſhore ſhall be furniſhed once in every year, or oftener if required, with ſtatements of the amount of the capital ſtock of the corporation of the bank of Baltimore, and of the debts due to and from the ſame, of the money depoſited therein, of the notes in circulation, of the caſh in hand, and of the profits made. 1795, ch. 27, § 12.

—— He ſhall have a right to inſpect ſuch general accounts in the books of the bank as ſhall relate to the ſaid ſtatement, but nothing herein to imply a right to inſpect the account of any individual, or for any other purpoſe than to form an opinion of the inſtitution relative to the public ſafety, and the profits as far as they relate to the ſtate. *Ibid.*

The ſheriffs to pay over to the treaſurers annually, on or before the tenth of November, all money received on account of fines, &c. except the coſts. 1795, ch. 74, § 3, 7.

—— The clerks to tranſmit annually, on or before the tenth of November, to the treaſurer of the weſtern ſhore, liſts of executions

ecutions for fines, and of the ſums acknowledged to be received therefor by the ſheriffs. *Ibid.* § 5.

—— Directions reſpecting returns to be made by the county clerks to the treaſurers of the amount of taxes received on writs, &c. and for the payment thereof towards the ſaid ſalaries. 1796, ch. 43, § 29, 1797, ch. 69, § 3.

—— If ſuch payments ſhould leave a ſurplus after payment of any ſalary, the ſame to be returned to the county. 1797, ch. 69, § 4.

—— The deficiency, after payment of ſuch taxes, to be aſſeſſed on the counties, and collected and paid to the treaſurers reſpectively. *Ibid.* § 4, 5.

—— The treaſurers authoriſed, on failure of payment, to inſtitute ſuit as therein directed. *Ibid.* § 5.

The ſalaries therein allowed to be paid quarterly by the treaſurer of the weſtern ſhore to the chief juſtices of the diſtricts. 1797, ch. 69, § 2.

The examiner on the eaſtern ſhore directed to account every half year with the treaſurer thereof on oath for all fees received or due, and to receive ſuch ſum, as, with the ſaid fees, ſhould make £. 100 for ſuch half year. *Ibid.* ch. 53.

The treaſurers reſpectively authoriſed to pay to each juryman of the general court, or his aſſigns, on producing a certificate from the reſpective clerks, ſuch ſum as may appear to be due upon the face of ſuch certificate. *Ibid.* ch. 94, § 2.

The treaſurer of the weſtern ſhore directed to pay 8000 dollars to the mayor of the city of Baltimore towards the building of an hoſpital, on bond, with ſecurity, being given for the faithful application of the money to that purpoſe. *Ibid.* ch. 102.

The treaſurer of the weſtern ſhore directed to pay annually to the viſitors of Allegany county ſchool, or their order, as a public donation, 200 dollars, the firſt payment on the firſt of October, 1799. 1798, ch. 58, § 8.

—— To pay annually, on or before the firſt of June, to the viſitors and governors of Waſhington academy, in Somerſet county, 800 dollars. *Ibid.* ch. 107, § 3.

—— To truſtees for an academy to be eſtabliſhed at Eaſton, 800 dollars. *Ibid.* 1799, ch. 56, § 9.

—— To the preſident and truſtees of Charlotte-Hall ſchool, 800 dollars. 1798, ch. 107, § 3.

—— To the viſitors and truſtees of Frederick county ſchool, 800 dollars. *Ibid.*

—— To truſtees for an academy to be erected in Baltimore or Harford county, 800 dollars. *Ibid.* § 4.

The expences of the commiſſioners, &c. under the act reſpecting the purchaſe of the Choptank Indian lands, to be paid by the treaſurer of the weſtern ſhore, and a correct account thereof kept. *Ibid.* ch. 82, § 8.

—— The ſaid treaſurer authoriſed and required, after the execution of the truſts therein mentioned, and the times limitted, to pay the orders drawn for the uſe of the Indians as therein before mentioned. *Ibid.* § 9.

—— The oath taken by the ſaid commiſſioners, together with their proceedings, to be tranſmitted to the treaſurer. *Ibid.* § 11.

Liſts of militia fines to be delivered to the treaſurers. 1798, ch. 100, § 20.

—— The balances of ſuch fines, after paying for colours, &c. to be paid by the lieutenant-colonels to the treaſurers. *Ibid.* § 22.

A copy of any of the books, papers, entries or proceedings, of the treaſury, atteſted and ſworn to be true copies by the treaſurer, ſhall be received in evidence in any court as if the original books, &c. were produced. *Ibid.* ch. 108.

The treaſurer of the weſtern ſhore directed to pay to the Suſquehanna canal company the ſum loaned to them, in quarterly payments, on the directors lodging with the governor and council bonds and ſecurity to be approved by them. 1799, ch. 17, § 4.

Bonds taken by the agent for property ſold to be approved by the treaſurer of the weſtern ſhore. *Ibid.* ch. 80, § 3.

—— Such bonds to be depoſited in the treaſury. *Ibid.*

—— No payment by ſtate debtors to be valid unleſs made to the treaſurers or the agent, or to clerks and ſheriffs where they are authoriſed to receive. *Ibid.* § 7.

—— The agent directed to pay into the treaſury in ſpecie the amount of all ſpecie received by him. *Ibid.* § 16.

—— The treaſurer of the weſtern ſhore directed to cauſe the bonds taken under this act, with the ſchedules annexed, to be recorded in the general court office within one month from the time of their being taken, and to ſend copies of thoſe from the eaſtern ſhore to the clerk of the general court there, to be recorded at the expence of the obligors. *Ibid.* § 18.

—— The agent directed to render to the treaſurer of the weſtern ſhore diſtinct quarterly accounts of his receipts of money, certificates and bonds, under this act, and to pay them to the ſaid treaſurer. *Ibid.* § 19.

—— The ſaid treaſurer, in his annual report to the general aſſembly, to ſtate the money, &c. ſo received, and the times when received and accounted for. *Ibid.*

—— The ſaid treaſurer authoriſed to pay the amount of orders drawn on him by the agent for fees given to council as therein directed. *Ibid.* § 24.

The money ariſing from the ſale of goods ſaved by the wreck maſter in Worceſter county ſhall be tranſmitted, with an account thereof, to the treaſurer. *Ibid.* ch. 82, § 2.

—— The treaſurer ſhall keep an account thereof for the owners or inſurers, who ſhall receive the ſame on the warrant of the auditor. *Ibid.*

The mayor of George-town to give bond for paying to the treaſurer all money received by him for the uſe of the ſtate for ordinary and retailers licences. *Ibid.* ch. 85, § 3.

TREATY.

The treaty of peace made between America and Great-Britain declared the ſupreme law within this ſtate, &c. April, 1787, ch. 25.

TRESPASS.

In actions for treſpaſs on real property only, brought in the general court, judgment ſhall be given for the damages recovered, with coſts, without regard to the amount. 1785, ch. 87, § 5.

—— Perſons committing a treſpaſs on real property, and removing from the ſhore or county where it lies, or that cannot then be taken, may be ſued in the court of any county where they may be found, or in the general court for the ſhore where they may be. *Ibid.* § 4.

TRIAL.

Manner and place of trial in the caſes of homicide therein mentioned. 1789, ch. 22.

See HOMICIDE.

Manner of ſending back ſuits for trial on reverſal after appeal. 1790, ch. 42.

See APPEALS.

Letters teſtamentary, or a certificate thereof, may be exhibited on ſuits by executors at any time before trial. 1798, No. 101, ch. 3, § 8.

TROVER.

Actions of trover to be brought within three years. 171[illegible] ch. 23, § 2.

TROVER.

In actions of trover, the courts, on affidavit or other evidence, may award ſpecial bail, and commit for want thereof. 1753, ch. 17, § 2.

TRUST.

The power given to the orphans courts reſpecting guardians not to affect the general ſuperintending power of the court of chancery with reſpect to truſt. 1798, No. 101, ch. 12, § 16.

TRUSTEE.

A truſtee appointed for the purpoſe of ſubſcribing to the loan propoſed by congreſs the continental paper then in the treaſury of the ſtate. 1790, ch. 41, § 3.

—— The treaſurer directed to deliver the ſaid paper to the truſtee. *Ibid.* § 4.

—— The truſtee to ſubſcribe in his own name, and to deliver the certificates when received to the treaſurer. *Ibid.*

—— Duty of the truſtee in receiving from the ſtate creditors, who might ſubſcribe, 3 *per cent.* and deferred ſtock, and transferring to them 6 *per cent.* ſtock. *Ibid.* § 5.

—— To deliver all certificates ſo received to the treaſurer. *Ibid.*

—— To receive the intereſt on the ſtock which he holds as truſtee, and to pay it to the treaſurer. *Ibid.* § 6.

—— Manner of filling any vacancy. *Ibid.* § 7.

—— The truſtee to give bond, with ſecurity, for the faithful diſcharge of his duty. *Ibid.* § 8.

—— Stock paid in by debtors to be transferred to the ſaid truſtee. *Ibid.* § 10.

—— Compenſation to the truſtee. *Ibid.* § 16.

For other matters, ſee BANK STOCK. CHANCERY. INSOLVENT DEBTORS.

TURNPIKES.

Acts eſtabliſhing and regulating turnpike roads. April, 1787, ch. 23, ch. 29, 1790, ch. 32, 1795, ch. 10, ch. 45, 1796, ch. 44, ch. 69, 1797, ch. 65, ch. 70, ch. 105, 1798, ch. 53. See ROADS.

UNITED STATES.

NO perſon in public truſt ought to receive any preſent from any foreign prince or ſtate, or from the United States, or any of them, without the approbation of this ſtate. Decl. 32.

Any of the United States ſhall be recognized in this ſtate a body politic and corporate for the purpoſe of proſecuting actions againſt any perſon reſiding in this ſtate, on ſome citizen of this ſtate being anſwerable for coſts. 1785, ch. 36.

The treaty of peace made between the United States of America and Great-Britain declared the ſupreme law within this ſtate, &c. April, 1787, ch. 25.

Citizens of any of the United States empowered to lay their accounts againſt perſons convicted of treaſon before the auditor, and to have them adjuſted. November, 1787, § 23.

The repreſentatives of this ſtate in congreſs authoriſed and required to cede to the congreſs of the United States any diſtrict in this ſtate, not exceeding ten miles ſquare, which the congreſs might fix upon and accept for the ſeat of government for the United States. November, 1788, ch. 46.

The part of the territory of Columbia in this ſtate ceded to the United States. 1791, ch. 45.

Certain articles ratified which had been propoſed by congreſs to the legiſlatures of the ſeveral ſtates, in addition to, and amendment of, the conſtitution of the United States. 1789, ch. 6.

The amendment therein mentioned to the conſtitution of the United States ratified and confirmed. 1794, ch. 27.

UNITED STATES.

The ſeveral ſheriffs directed to receive and keep in their reſpective gaols all priſoners committed under the authority of the United States, until diſcharged by due courſe of the laws thereof, under the like penalties as in the caſe of priſoners committed under the authority of this ſtate. *Ibid.* ch. 30.

Material teſtimony being wanting from ſome other of the United States, a ground for the continuance of ſuits. November, 1787, ch. 9, § 2.

—— Continuance allowed, when commiſſions iſſue to parts without the United States. 1794, ch. 6.

No member of congreſs, or perſon holding an office of truſt or profit under the United States, ſhall be capable of having a ſeat in the general aſſembly, or being an elector of the ſenate, or holding any office of profit or truſt in this ſtate. 1791, ch. 80, confirmed by 1792, ch. 22.

—— Certain acts done by juſtices of this ſtate who held offices under the United States confirmed. 1798, ch. 56.

—— Such acts confirmed, and a penalty impoſed on perſons who ſhould ſo act after the firſt of March, 1800. 1799, ch. 68.

Property belonging to the United States ſhall not be valued or chargeable with the public aſſeſſment. 1797, ch. 89, § 1.

UNIVERSITY.

Waſhington college and Saint-John's college declared to be one univerſity, by the name of "The Univerſity of Maryland." 1784, ch. 37, § 33.

—— The governor of the ſtate for the time being to be chancellor thereof, and the principal of one of the ſaid colleges the vice-chancellor. *Ibid.*

—— Directions for a meeting of the viſitors and governors, or a repreſentation of them, to be ſtyled, "The Convocation of the Univerſity of Maryland," and for forming by-laws, ordinances, &c. *Ibid.* § 34, 35.

UPPER-MARLBOROUGH.

Directed to be laid out anew. 1744, ch. 25.

Commiſſioners appointed to make a correct ſurvey of the town of Upper-Marlborough, in Prince-George's county. April, 1787, ch. 22.

—— The lot on which the inſpection-houſe ſtands to be valued. 1793, ch. 4.

—— Geeſe and ſwine prevented from going at large therein. 1798, ch. 63.

A lottery authoriſed to raiſe money to clear out the creek leading thereto and to Queen-Anne. *Ibid.* ch. 67.

A new court-houſe and gaol to be built, and the repoſitory to be pulled down. 1798, ch. 104, 1799, ch. 62.

USURY.

No perſon ſhall exact or take, directly or indirectly, above ſix *per cent. per annum* for the loan of money or commodities, to be paid in money, nor more than eight *per cent. per annum* for tobacco or wares, to be paid in tobacco. September, 1704, ch. 69, § 1.

—— All bonds, contracts and aſſurances, reſerving a greater intereſt, ſhall be utterly void. *Ibid.* § 2.

—— Perſons taking above that rate by any corrupt ways or means ſhall forfeit treble the value of the money, tobacco, wares, &c. one half to the ſupport of government, and the other half to the informer, to be recovered by action of debt, bill, &c. *Ibid.* § 3.

VACANT LAND.

SEE LAND and LAND-OFFICE.

INDEX.

VACANCY.

Manner of iſſuing warrants for elections in caſe of vacancy in the legiſlature or congreſs. 1799, ch. 50, § 10.

For the manner of filling vacancies in offices, ſee GOVERNOR and COUNCIL.

VAGRANTS.

Penalty on vagrants ſhooting, hunting or carrying a gun, on a ſeated plantation, without the owner's leave. 1715, ch. 26, § 7.

Proviſion made reſpecting free negroes living idle, without any viſible means of maintenance. 1796, ch. 67, § 20.

The corporation of the city of Annapolis empowered to paſs laws to fine, impriſon or puniſh vagrants. *Ibid.* ch. 30.

For other matters, ſee POOR.

VALUATION OF PROPERTY.

The average value of land by the acre eſtabliſhed in the ſeveral counties as follows, viz.

In Kent county, at 33/9.
Prince-George's, 31/6.
Baltimore, 29/3.
Frederick, Charles, Harford, Anne-Arundel, Queen-Anne's, Talbot and Cæcil, } 27/.
Montgomery, Saint-Mary's, Calvert, Dorcheſter and Somerſet, } 24/9.
Worceſter, 20/3.
Caroline, 15/9. 1785, ch. 53, § 2.

—— In Allegany, 4/. November, 1792, ch. 71, § 12, 13.

—— In Waſhington, 24/. *Ibid.*

The annual aſſeſſments to be impoſed on the amount of land at the above average value, and on perſonal property as ſhould be thereafter directed. 1785, ch. 53, § 3.

Directions reſpecting the valuation in Baltimore-town and county. *Ibid.* § 3, 4, 1797, ch. 89, § 7.

Directions for aſcertaining the quantity of land in the different counties. 1785, ch. 53, § 5.

—— For aſſeſſing lands not before aſſeſſed, and thereafter to be granted. *Ibid.* § 9.

—— For valuing the lands of the commiſſioners of the tax. *Ibid.* § 10.

—— For giving notice of the valuations made. *Ibid.* § 11.

—— For returning an account of the property aſcertained and valued. *Ibid.* § 15.

Lands granted or ſold in virtue of the act to diſpoſe of the reſerved lands, &c. (November, 1788, ch. 44,) to be chargeable with aſſeſſment, &c. according to the valuation ſet by this act. November, 1792, ch. 71, § 14.

—— Liſts of grants and ſales directed to be made out by the regiſter of the land-office, and ſent to Allegany county. *Ibid.* § 15.

—— Nothing in the act for the more effectual collection of the charges in Allegany county to affect any tract of land or lot granted to the officers or ſoldiers of this ſtate, unleſs the ſame ſhall have been or may hereafter be ſold or transferred by them. 1796, ch. 8, § 6.

All real and perſonal property to be valued, (and to be chargeable with the public aſſeſſment accordingly,) except the following articles, viz.

Property belonging to the ſtate or the United States.
Houſes for public worſhip.
Burying-grounds.
Property belonging to any county.
Property belonging to any college or county ſchool.

VALUATION OF PROPERTY.

The crop and produce of the land in the hands of the perſon whoſe land produced the ſame.

Proviſions neceſſary for the uſe and conſumption of the perſon to whom the ſame ſhall belong, and his family, for the year.

Plantation utenſils.

The working tools of mechanics and manufacturers actually and conſtantly employed in their reſpective occupations.

Wearing apparel.

Goods, wares and merchandiſe.

All home made manufactures in the hands of the manufacturers.

All ſtills.

All ready money.

All grain and tobacco.

All licenſed veſſels whatever above twenty tuns burthen, and

All riding carriages. 1797, ch. 89, § 1.

Five perſons appointed commiſſioners of the tax in each county and in the city of Baltimore. *Ibid.* § 2, 3.

Certain profeſſions exempted from being commiſſioners. *Ibid.* § 2.

An oath to be taken for the faithful execution of the office. *Ibid.* § 4.

Directions for filling vacancies. *Ibid.* § 5.

Directions for the meeting of the commiſſioners, the appointment of a clerk and aſſeſſor, &c. *Ibid.* § 6.

Property in the precincts of the city of Baltimore to be valued in the ſame manner as in the county. *Ibid.* § 7.

The commiſſioners, in their direction to the aſſeſſors, to be governed by the act of 1785, ch. 53, and this act. *Ibid.* §

Directions reſpecting the alteration of the price or value of lands. *Ibid.*

The commiſſioners empowered to call on the county clerks for liſts of alienations and transfers of property. *Ibid.* § 9.

Penalty on aſſeſſors neglecting to return to the commiſſioners certificates for the valuation of property in their diſtricts. *Ibid.* § 10.

Proviſion for the appointment of other aſſeſſors in caſe of refuſal, &c. *Ibid.*

The commiſſioners of the city of Baltimore to meet and execute their duties as the other commiſſioners. *Ibid.* § 11, 12.

The aſſeſſors to take an oath for the faithful execution of their offices. *Ibid.* § 13.

All perſons to deliver an account of their ſlaves and other property to the aſſeſſor. *Ibid.* § 14, 15.

Duty of the aſſeſſor in informing himſelf of property. *Ibid.* § 16.

Valuation to be ſet on ſlaves according to their ages, &c. therein preſcribed. *Ibid.* § 17.

Silver plate to be valued at 8/4 per ounce, and all other property at its actual worth in ready money, at the diſcretion of the aſſeſſors. *Ibid.*

No perſon whoſe property ſhall not be aſſeſſed to the amount of £. 30, or who ſhall not have a free-hold of 50 acres of land, ſhall be liable for or chargeable with any tax, aſſeſſment or charge, to be impoſed in virtue of this act. *Ibid.* § 18.

Allowance to the commiſſioners, aſſeſſors and clerk, to be aſſeſſed and levied as other county charges. *Ibid.* § 19.

Penalty on perſons removing their effects, &c. to eſcape being taxed. *Ibid.* § 20.

The commiſſioners directed to meet to hear and determine appeals from the valuation of the aſſeſſors. *Ibid.* § 21.

Directions for aſſeſſing property which may be aliened or transferred. *Ibid.* § 23.

The commiſſioners to call the aſſeſſors before them for the purpoſe of correcting their valuations, &c. *Ibid.* § 24.

The property of aſſeſſors to be valued by the commiſſioners. *Ibid.* § 25.

VALUATION OF PROPERTY.

An account to be entered by the clerk of all the property in the county, with the valuation, and a liſt of the owners. *Ibid.* 26.

The clerk to make out a ſummary account of the perſonal property, expreſſing the particular kinds, the value of each, and the amount. *Ibid.* § 27.

The commiſſioners ſhall ſign and deliver the ſame to the ſheriff, directed to the clerk of the houſe of delegates, under the penalty of £. 50 on each commiſſioner. *Ibid.*

The ſame penalty on the ſheriff neglecting to forward ſuch letter. *Ibid.*

A duplicate thereof to be lodged among the county records. *Ibid.*

The clerk of the houſe of delegates directed to enter the ſaid ſummary account in a book, (keeping the originals in his office,) and to lay the ſame before the general aſſembly on the ſecond day of the next meeting. *Ibid.*

If any of the days for the performance of duties required by this act ſhould be a Sunday, ſuch duties to be performed on the day following. *Ibid.* § 28.

Suits for any thing done under this act muſt be brought within ſix months. *Ibid.* § 29.

The defendant may plead the general iſſue, and give this act, &c. in evidence. *Ibid.*

On nonſuit, or verdict for defendant in ſuch caſes, treble coſts to be recovered by the defendant. *Ibid.*

Perſons moving into a county, to give to the collector an account of their perſonal property not aſſeſſed. *Ibid.* § 30.

Directions to the collectors in valuing ſuch property. *Ibid.* 31.

Directions for their informing themſelves of, and valuing, all perſonal property as aforeſaid, and returning certificates thereof to the commiſſioners. *Ibid.* § 32.

An oath to be taken for the faithful execution of their offices. *Ibid.* § 33.

Their allowance, to be levied as other county charges. *Ibid.* 34.

Perſons whoſe property is valued by the collector, or his deputy, allowed the ſame appeal as thoſe aſſeſſed under this act. *Ibid.* § 35.

The regiſters of the land-offices directed to make out for the commiſſioners of the tax a liſt of all grants between the fifteenth of March, 1797, and fifteenth of March, 1798, expreſſing the name, &c. and alſo a liſt of all certificates ready for patent ſince the fifteenth of March, 1797, expreſſing the name, &c. *Ibid.* § 36.

Directed to make out, (after the year 1798,) annually, between the firſt of January and firſt of March, for the commiſſioners, a liſt of all certificates ready for patent, expreſſing the name, &c. *Ibid.* § 37.

Such liſts to be delivered to the ſheriffs of Anne-Arundel and Talbot counties by the regiſters reſpectively, to be forwarded as public letters. *Ibid.* § 39.

The clerks of the general court on each ſhore directed, on or before the firſt of April, 1798, to make out from the records, liſts of alienations of land ſince the firſt of January, 1792, expreſſing the names of the bargainor, &c. to be forwarded as other public letters to the commiſſioners of the tax. *Ibid.* 38.

Such liſts to be forwarded annually thereafter between the firſt of March and firſt of April. *Ibid.*

Compenſation to the regiſters. *Ibid.* § 40.

Rules to be obſerved by the commiſſioners in eſtimating eſtates and intereſt in lands and town lots. *Ibid.* § 41, 1798, ch. 96.

Directions for the valuation of leaſe-hold and other temporary rights within the city of Baltimore. 1797, ch. 89, § 43.

VAN's-VILLE.

Commiſſioners appointed to ſurvey and lay out lots and land before ſurveyed by G. P. Van-Horn. 1799, ch. 66, § 2, 3.

—— Directions for filling vacancies, &c. *Ibid.* § 4.

—— For employing and paying a clerk. *Ibid.* § 5, 6.

—— Proviſion for annexing other lands. *Ibid.* § 7.

—— The town to be called Van's-Ville. *Ibid.* § 8.

VERDICT.

No verdict ſhall be ſet aſide, nor judgment thereon ſtaid or reverſed, by a juror who tried the cauſe having had a matter of fact depending for trial at the ſame court. October, 1778, ch. 21, § 2.

The courts of law empowered to order and allow amendments to be made in all proceedings before verdict, ſo as to bring the merits of the queſtion between the parties fairly to trial. 1785, ch. 80, § 4.

The jury empowered to aſcertain, and by their verdict find, what ſum of money or tobacco is due to the plaintiff in the ſuits therein mentioned, and judgment to be entered for the penalty, to be releaſed on payment of ſuch ſum with intereſt. *Ibid.* § 13.

Continuance allowed where a verdict ſhall be ſet aſide, and a new trial granted. November, 1787, ch. 9, § 5.

—— On a ſpecial verdict. *Ibid.* § 9.

See CONTINUANCE.

Manner of entering judgments againſt executors or adminiſtrators after a verdict againſt them, or confeſſion. 1798, No. 101, ch. 8, § 8.

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VESTRIES.

A power given to the *then* veſtries to condemn land for the building of churches. September, 1704, ch. 38, § 5.

Manner of chooſing veſtries. 1798, ch. 24, § 2, 13.

—— Directions for filling vacancies. *Ibid.* § 4.

The pariſh regiſter directed to enrol any perſon of the proteſtant epiſcopal church who ſhall apply therefor, on the books of the pariſh, under the penalty of eight dollars. *Ibid.* § 3.

—— Authoriſed to receive ſix cents for each enrolment. *Ibid.*

The veſtrymen, or a majority attending, to judge of the election of veſtrymen, and of the qualifications of voters and candidates. *Ibid.* § 5.

Oaths to be taken by veſtrymen. *Ibid.* § 6.

Directions for the meetings of the veſtry. *Ibid.* § 7.

—— The rector to preſide therein, &c. *Ibid.* § 8.

The rector to have, (unleſs he contracts otherwiſe,) the poſſeſſion and uſe of the glebe-lands, &c. and other property belonging to the pariſh, during the time he ſhall officiate therein. *Ibid.*

The veſtry to hold, as truſtees, all the real and perſonal property belonging to the proteſtant epiſcopal church, and to manage the ſame. *Ibid.* § 9.

Rectors committing waſte to pay treble damages. *Ibid.* § 10.

Directions for chooſing churchwardens. *Ibid.* § 11, 14.

—— The churchwardens to keep the peace, and preſerve order, &c. in church. *Ibid.* § 12.

Power of the veſtry in chooſing miniſters, contracting for their ſalaries, &c. *Ibid.* § 15.

Directions as to the titles and precedency of the miniſter. *Ibid.* § 16.

The veſtry empowered to receive ſubſcriptions for the maintenance of miniſters, and other pariſh purpoſes. *Ibid.* § 17.

The veſtry to appoint a regiſter, who ſhall keep entries of their proceedings, and take the oaths therein preſcribed. *Ibid.* § 18.

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VESTRIES.

The regiſters to make entries of all baptiſms, marriages and funerals, of free perſons in the pariſh by any epiſcopal miniſter, which ſuch miniſters are directed to acquaint them with. *Ibid.* § 19.

—— Miniſters celebrating any baptiſm, marriage or burial, in any other pariſh, ſhall acquaint the miniſter or a veſtryman therewith. *Ibid.* § 20.

Miniſters, veſtrymen or regiſters, failing in the duties aſſigned them, forfeit eight dollars. *Ibid.* § 21.

The pariſh regiſter to have the cuſtody of all regiſters of baptiſms, &c. belonging thereto, to be ſhewn to any perſon reaſonably deſiring it. *Ibid.* § 22.

—— To give certificates thereof, which, when ſigned by him, and under the common ſeal of the veſtry, ſhall be evidence in all courts of juſtice in the ſtate. *Ibid.*

—— His fees for ſearching and giving a certificate. *Ibid.*

Penalty on veſtrymen neglecting or refuſing to appoint a regiſter, or to vote thereon, or to find him books, &c. as before directed. *Ibid.* § 23.

Proviſion for holding ſpecial meetings, and penalty for not attending them. *Ibid.* § 24, 25.

Penalties for refuſing to ſerve as veſtrymen or churchwardens. *Ibid.* § 26.

All fines under this act to be recovered before a ſingle magiſtrate, and applied to the uſe of the pariſh. *Ibid.* § 27.

The veſtrymen of every pariſh incorporated, by the name of The Veſtry of the pariſh to which they ſeverally belong, to have perpetual ſucceſſion. *Ibid.* § 28, 33.

—— Empowered to take, hold and diſpoſe of, real and perſonal property, the clear yearly value of which, (excluſive of rents of pews, collections in churches, funeral charges and the like,) ſhall not exceed 2000 dollars. *Ibid.* § 28.

—— The veſtry not to diſpoſe of any of the church property without the conſent therein preſcribed. *Ibid.* § 29.

—— The principal of the money from ſuch ſales not to be applied towards the payment of the miniſter for his official duties. *Ibid.* § 30.

The veſtry not prevented from buying land, not exceeding two acres for a burying-ground, or to build a parſonage houſe on, or to rent the pews, not interfering with any exiſting right thereto. *Ibid.* § 31.

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The convention of the proteſtant epiſcopalian church in this ſtate empowered to divide or unite pariſhes, to alter their bounds, and to conſtitute new ones. *Ibid.* § 33.

—— Provided that a majority of the pariſhioners qualified to vote for veſtrymen ſhall conſent thereto. *Ibid.*

—— On ſuch diviſion, &c. veſtrymen and churchwardens to be choſen as herein directed for other pariſhes. *Ibid.*

VISITORS AND GOVERNORS.

See COLLEGE.

VOTES AND VOTERS.

Perſons entitled to vote at elections who have a free-hold of fifty acres of land, and reſide therein. Conſt. 2, 14, 42, 1790, ch. 16, § 3, 1795, ch. 73, § 2, 1799, ch. 50.

—— Perſons ſo entitled who have property in the ſtate above the value of £. 30, and have reſided in the county one whole year next preceding the election. *Ibid.*

—— Directions reſpecting the right of voting in the cities of Annapolis and Baltimore. Conſt. 4, 5, 6.

See ELECTIONS.

The commiſſioners therein mentioned directed to make the diſtricts as nearly equal as poſſible, having regard to population, extent, and the convenience of voters. 1799, ch. 50, § 1.

VOTES AND VOTERS.

Directions for entering the votes. *Ibid.* § 7.

No vote ſhall be taken before nine in the morning or after eight in the evening. *Ibid.* § 8.

Votes to be given where the voters reſide, and not elſewhere. *Ibid.* § 11.

Penalty on perſons, who having voted, offer to vote again in the ſame diſtrict or county. *Ibid.* § 12.

—— On perſons voting in names not their own, or in the place of any other perſon of the ſame name. *Ibid.*

—— On perſons reſiding out of a diſtrict, or out of the county or ſtate, offering to vote therein. *Ibid.*

—— On perſons voting twice at one election. *Ibid.* § 13.

Directions to the judges as to caſting up the votes. *Ibid.* § 14, 16.

Penalty on giving or promiſing any gift or reward to ſecure any perſon's vote. *Ibid.* § 18.

VOTES AND PROCEEDINGS.

Directions for their being made out, printed and diſtributed. 1790, ch. 51.

See ACTS of ASSEMBLY.

WAR.

NO ſoldier ought to be quartered in any houſe in time of peace without the conſent of the owner, and in time of war in ſuch manner only as the legiſlature ſhall direct. Decl. 2.

The ſelect companies of infantry, or ſuch and ſo many of them as the commander in chief of the militia of this ſtate ſhall think requiſite, may at any time by him be ordered into ſervice without any draught made, and when called into ſervice ſhall be ſubject to the rules and regulations of the articles of war, &c. 1798, ch. 100, § 34.

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WARDS.

The orphans courts empowered to examine, hear and decree upon, all accounts, claims and demands, exiſting between wards and their guardians. 1798, No. 101, ch. 15, § 12.

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Warrants, without oath or affirmation, to ſearch ſuſpected places, or to ſeize any perſon, are grievous and oppreſſive. Decl. 23.

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—— If executed or located, it ſhall be the property of the heirs. *Ibid.*

Warrants for the appointment of judges of elections, how to be made out and delivered. 1799, ch. 50, § 3, 6, 10.

For the manner of obtaining warrants of ſurvey, &c. and returning them, ſee LAND and LAND-OFFICE.

For warrants to be iſſued by juſtices, ſee JUSTICES of the PEACE.

* WASHINGTON COUNTY.

The town of William's Port to be laid out. 1786, ch. 11.

The act for the preſervation of the breed of wild deer not to extend to Waſhington county. 1789, ch. 5, § 5.

An act to ſtreighten and amend the ſeveral public roads therein mentioned. 1790, ch. 32.

Directions for levying money due for wolves heads before the diviſion of the county by the erection of Allegany county. November, 1792, ch. 13.

An act for the relief of the poor. 1796, ch. 22.

—— A ſupplement. 1797, ch. 34.

An act to prevent hogs and geeſe going at large in William's Port. 1798, ch. 20.

The levy court directed to aſſeſs and levy money for John Shewman. 1799, ch. 60.

The average value of lands eſtabliſhed in Waſhington county at 24*s.* per acre. 1785, ch. 53, § 2, November, 1792, ch. 71, § 12, 13.

Waſhington, Frederick, Montgomery and Allegany counties, form the fifth diſtrict for holding county courts. 1796, ch. 43, § 2.

Waſhington county court to be held the firſt Mondays in April and December. *Ibid.* § 3, 1798, ch. 81.

The remainder of Frederick county, (after taking off that part adjacent to Montgomery county, as far as Monocacy, from the mouth thereof to the Pennſylvania line,) Waſhington and Allegany counties, form the fourth diſtrict for the election of repreſentatives in congreſs. 1791, ch. 62, § 1, 2.

Waſhington and Allegany counties form the fourth diſtrict for appointing electors to chooſe the preſident and vice-preſident. 1795, ch. 73, § 1.

Waſhington county to be laid off into five ſeparate diſtricts for the purpoſe of holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiſſioners appointed for laying off the ſaid diſtricts. 1799, ch. 50, § 20.

* Waſhington county was erected, together with Montgomery county, by the diviſion of Frederick county, by reſolves of the convention of the 6th of September, 1776.

WASHINGTON CITY.

Certificates granted by the commiſſioners, or any two of them, to purchaſers of lots in the city of Waſhington, with acknowledgment of the payment of the purchaſe money, and intereſt, if any, and recorded agreeably to the directions of the act of 1791, ch. 45, ſhall be ſufficient to veſt the legal eſtate in the purchaſers, their heirs, &c. without any deed or formal conveyance. 1793, ch. 58, § 1.

—— The commiſſioners empowered to reſell lots, where the purchaſe money is not paid, in the manner and on the terms therein mentioned. *Ibid.* § 2.

WASHINGTON CITY.

—— Directions for the allotment and aſſignment of lots in Carrollſburgh and Hamburgh. *Ibid.* § 3.

—— The commiſſioners to make a ſeal of office for the clerk for recording deeds within the diſtrict, to be accredited as the ſeal of a county court, and the like fees to be paid at the time when the ſervice is done. *Ibid.* § 4.

Waſhington pariſh formed, to include the city of Waſhington and George-town. 1794, ch. 20.

An act to authoriſe two lotteries in the city of Waſhington. 1795, ch. 47.

An act to lay out and eſtabliſh a turnpike road from the city of Waſhington to Baltimore-town. 1796, ch. 69.

Directions reſpecting the valuation of the real property in that part of the city lying in Prince-George's county. 1797, ch. 89, § 8.

An act to lay out and eſtabliſh a road from the city of Annapolis to the city of Waſhington. 1798, ch. 30.

For other matters, ſee COLUMBIA.

WASTE.

Proviſion made reſpecting injunctions to ſtay waſte. 1785, ch. 72, § 28.

Miniſters committing waſte on the glebe-lands, &c. to pay treble damages, which may be recovered by the veſtry. 1798, ch. 24, § 10.

Guardians ſhall not commit waſte, but the orphans courts may allow them to cut down and fell wood, and account therefor, if neceſſary for the ward. *Ibid.* No. 101, ch. 12, § 7.

If a widow commit waſte in the lands of the deceaſed, ſhe ſhall be liable to an action by the heir or deviſee, or his or her guardian, and if ſhe marry a ſecond huſband, he ſhall be anſwerable for any waſte committed by her before marriage, or by himſelf. *Ibid.* ch. 13, § 6.

WATER.

A company to be incorporated, by the name of The Baltimore Water Company, for the purpoſe of ſupplying the town with water by pipes. November, 1792, ch. 11, § 9, 10, 11.

—— Regulations reſpecting the uſe of the water. *Ibid.* § 12, 13.

WATER MILLS.

Millers, &c. taking toll above one ſixth part of Indian corn, and one eighth part of wheat, to forfeit 1000 lbs. of tobacco, half to the ſtate and half to the informer. 1704, ch. 16, § 6.

Advantages obtained under former writs of *ad quod damnum* ſecured. November, 1766, ch. 10.

Duty of the owners of mills where the public roads croſs. 1753, ch. 16, 1756, ch. 12.

WEARS AND HEDGES.

Penalty on perſons erecting wears or hedges in Suſquehanna or Patuxent rivers. 1768, ch. 4, § 2.

—— Such wears, &c. may be deſtroyed by any perſon. *Ibid.* § 3.

—— Not to prevent wears in Suſquehanna where the tide ebbs and flows, and in Patuxent below Mount Pleaſant. *Ibid.* § 6.

Devices for catching fiſh in certain parts of Patowmack river declared nuiſances. *Ibid.* ch. 5, § 2.

—— Penalty on erecting them, and on obſtructing perſons pulling them down. *Ibid.* § 2, 3.

All wears and hedges on the eaſtern and north-weſt branches of Patowmack river, which obſtruct or hinder the navigation there, and above Bladenſburg, ſo as to cauſe the water to overflow any part of the town, are deemed nuiſances, and may be pulled down and abated as ſuch. 1784, ch. 15, § 2, 5.

—— Penalty

WEARS AND HEDGES.

—— Penalty on making or fiſhing ſuch wears. *Ibid.* § 3, 4, 5.

Wears and hedges in Rock creek, within two miles from Patowmack, declared nuiſances, and liable to be pulled down and deſtroyed as ſuch. November, 1792, ch. 61, § 2.

—— No perſon to make any wear or hedge on Rock creek within the ſaid diſtance, under the penalty of £. 10. *Ibid.* § 3.

—— The penalty to be recovered before a magiſtrate of Prince-George's or Montgomery county, or an alderman of George-town, half to the informer and half to the ſtate. *Ibid.* § 3.

—— Perſons fiſhing ſuch wear or hedge to forfeit £. 5, to be recovered and applied in the ſame manner. *Ibid.* § 4.

Wears in Dividing creek, in Worceſter county, declared nuiſances. 1795, ch. 25, § 2.

—— Perſons putting wears therein forfeit £. 10, to be recovered by action of debt, half to the proſecutor and half to the county. *Ibid.* § 3.

Wears in Pocomoke river or canal declared nuiſances, and perſons erecting them to forfeit £. 10. 1796, ch. 17, § 20.

WESTMINSTER.

A market for the ſale of live ſtock eſtabliſhed in Weſtminſter, in Frederick county. 1794, ch. 9.

—— An act to prevent ſwine from going at large therein. 1797, ch. 47.

WHARFS.

An act to regulate the building and erecting of wharfs in the port of the city of Annapolis. 1785, ch. 26.

Power of the juſtices, under the inſpection law, to direct the making of wharfs. 1789, ch. 26, § 48.

The commiſſioners of the city of Waſhington empowered, (until congreſs ſhall exerciſe their juriſdiction,) to licenſe the building of wharfs in Patowmack, and the Eaſtern Branch adjoining the city. 1791, ch. 45, § 12.

—— Directions reſpecting the materials, &c. *Ibid.*

—— No licence to be granted to any one to build a wharf before the land of another. *Ibid.*

—— No wharf to be built in the ſaid waters without licence. *Ibid.*

—— Any wharf ſo built declared to be a common nuiſance. *Ibid.*

WHOLE BLOOD.

Relations of the whole blood ſhall be preferred to thoſe of the half blood in equal degree, and relations of the half blood ſhall be preferred to relations of the whole blood in a remoter degree. 1798, No. 101, ch. 5, § 16.

Among collateral repreſentatives of an eſtate, there ſhall be no diſtinction between the whole and half blood. *Ibid.* ch. 11, § 16.

WIDOWS.

A corporation eſtabliſhed for the relief of widows and children of the clergy of the proteſtant epiſcopal church in Maryland. 1784, ch. 78.

A proviſion made for the widows of officers who have died in the ſervice. 1785, ch. 52.

See ARMY.

Widows empowered to aſſign apprentices on the death of the maſters. 1793, ch. 45, § 14.

—— The conſideration to belong to them, and not to be aſſets of their deceaſed huſbands. *Ibid.*

See APPRENTICES.

WIDOWS.

No relation except a widow, child, grand-child, father, brother, ſiſter or mother, ſhall be conſidered as entitled to adminiſtration, unleſs he or ſhe ſhall apply for the ſame. 1798, No. 101, ch. 5, § 7.

If an inteſtate leave a widow, and a child or children, adminiſtration, at diſcretion of the court, ſhall be granted to the widow or child, or one of the children. *Ibid.* § 10.

—— If there be a widow and no child, the widow ſhall be preferred. *Ibid.* § 11.

The cloaths of a widow, and ornaments and jewels proper for her ſtation, not to be aſſets in her deceaſed huſband's eſtate. *Ibid.* ch. 7.

If the inteſtate leave a widow and no child, parent, grand-child, brother or ſiſter, or the child of a brother or ſiſter of the ſaid inteſtate, the ſaid widow ſhall be entitled to the whole of the ſurplus of the perſonal eſtate. *Ibid.* ch. 11, § 1.

—— If there be a widow and a child or children, or a deſcendant or deſcendants from a child, the widow ſhall have one third only. *Ibid.* § 2.

—— If there be a widow, and no child or deſcendants of the inteſtate, but the ſaid inteſtate ſhall leave a father or mother, or brother or ſiſter, or child of a brother or ſiſter, the widow ſhall have one half. *Ibid.* § 3.

Every deviſe of land, or any eſtate therein, or bequeſt of perſonal eſtate, to the wife of the teſtator, ſhall be conſtrued to be intended in bar of her dower in lands, or ſhare of the perſonal eſtate reſpectively, unleſs it be otherwiſe expreſſed in the will. *Ibid.* ch. 13, § 1.

—— A widow ſhall be debarred of her right of dower in land, or ſhare in the perſonal eſtate, by any ſuch deviſe, unleſs within ninety days after the authentication or probat of the will ſhe ſhall deliver, or tranſmit to the court where ſuch authentication or probat hath been made, a written renunciation in the form therein preſcribed, or to that effect. *Ibid.* § 2.

—— By renouncing all claim to a deviſe or bequeſt of perſonal property, ſhe ſhall be entitled to one third part of the perſonal eſtate, after payment of debts. *Ibid.*

—— If the will deviſe a part of both real and perſonal eſtate, ſhe ſhall renounce the whole, or be otherwiſe barred of her right to both real and perſonal eſtate. *Ibid.* § 3.

If the will deviſe only a part of the real or of the perſonal eſtate, it ſhall debar her of only the real or perſonal eſtate, as the caſe may require, provided, that if the deviſe of either or of both ſhall be expreſsly in lieu of her legal ſhare of one or both, ſhe ſhall accordingly be barred, unleſs ſhe renounce as aforeſaid. *Ibid.* § 4.

—— If nothing ſhall paſs by ſuch deviſe, ſhe ſhall not be barred, whether ſhe renounce or not. *Ibid.* § 5.

If a widow commit waſte in the lands of the deceaſed, ſhe ſhall be liable to an action by the heir or deviſee, or their guardians, and if ſhe marry a ſecond huſband, he ſhall be anſwerable for waſte committed by her before marriage, or by himſelf. *Ibid.* § 6.

A widow's remedy for dower ſhall be as heretofore. *Ibid.* § 7

WILLIAM's PORT.

The town of William's Port, in Waſhington county, directed to be laid out. 1786, ch. 11.

—— An act to prevent hogs and geeſe going at large therein. 1798, ch. 20.

WILLS.

Acts reſpecting the probat of wills. May, 1781, ch. 2. April, 1783, ch. 30.

An act directing what ſhall be good evidence to prove foreign and other debts, and deeds and wills, &c. 1785, ch. 46.

I N D E X.

WILLS.

What real eſtates ſhall paſs by will. 1798, No. 101, ch. 1, § 1, 2.

Perſons making wills, to be of ſound mind, &c. *Ibid.* § 3.

—— To be of the age of twenty-one if males, and eighteen if females. *Ibid.*

Manner of making and atteſting ſuch wills. *Ibid.* § 4.

—— Mode of revocation preſcribed. *Ibid.*

Penalty on altering or deſtroying wills without the direction of the party, or ſecreting them. *Ibid.* ch. 2, § 1.

Wills may be opened and read in the preſence of the relations, and then delivered to the regiſter. *Ibid.* § 2.

—— Penalty on neglect to deliver ſuch wills. *Ibid.* § 3.

Directions reſpecting copies, to be uſed as evidence. *Ibid.* § 4.

Where wills of perſonal property may be proved. *Ibid.* § 5.

—— Manner of taking the probat by the regiſters of wills or the orphans courts. *Ibid.* § 6, 7, 8.

Caveats againſt wills to be decided by the orphans courts. *Ibid.* § 9, 10.

—— If the adjudication is againſt a will, it ſhall not be received for probat in any other county. *Ibid.* § 11.

—— An appeal given and regulated to the chancery or general court. *Ibid.*

—— Directions reſpecting the examination of witneſſes, and of the executors, on the probat of wills of perſonal property. *Ibid.* § 12.

—— Proviſion for a rehearing after probat is taken, &c. *Ibid.* § 13.

Directions for producing the will, or a copy, in the county where there may be perſonal property, and for recording it there, in order to obtain letters teſtamentary. *Ibid.* ch. 3, § 2.

Directions for granting adminiſtration with the will annexed. *Ibid.* § 3.

Proviſion made where executors named in a will are under age, *non compos*, &c. *Ibid.* ch. 4.

—— Where a will is diſcovered after letters of adminiſtration are granted. *Ibid.* ch. 5, § 4.

The naming an executor in a will ſhall not extinguiſh any juſt claim againſt him. *Ibid.* ch. 8, § 20.

When it is neceſſary under a will to retain the perſonal eſtate, or a part thereof, (after the payment of debts,) as where money or ſome other thing is directed to be paid at a diſtant period or upon a contingency, the court of chancery, or the orphans courts, ſhall have power to decree or give directions relative thereto. *Ibid.* ch. 10, § 11.

In what manner a deviſe or bequeſt ſhall be in bar of a widow's dower, or ſhare of the perſonal eſtate. *Ibid.* ch. 13.

See DOWER. RENUNCIATION. WIDOWS.

The rules and regulations herein contained, relative to laſt wills and codicils, ſhall be conſtrued to extend to all caſes where the teſtator ſhall die after the time when the operation of this act ſhall commence, without regard to the time of making the will or codicil. *Ibid.* ch. 14, § 8.

The juſtices of the orphans court to be appointed for the purpoſe of taking probat of wills, granting letters, &c. *Ibid.* ch. 15, § 1.

Puniſhment for forging or counterfeiting wills. 1799, ch. 75.

WITNESSES.

In criminal proſecutions every man hath a right

—— To be confronted with the witneſſes againſt him,

—— To have proceſs for his witneſſes, and

—— To examine the witneſſes for and againſt him on oath. Decl. 19.

No perſon convict or attainted of perjury, or ſubornation of perjury, ſhall be received as a witneſs in any court of record till

WITNESSES.

ſuch judgment be reverſed, in which caſe ſuch perſon may recover damages. 1692, ch. 16, § 3.

Penalty on witneſſes ſummoned not appearing. *Ibid.* § 5.

Puniſhment of perſons convicted of thieving and ſtealing by teſtimony of one ſufficient evidence, not being the party grieved. 1715, ch. 26, § 2.

An act cauſing jurors and witneſſes to come to the *provincial* and county courts. *Ibid.* ch. 37.

—— Witneſſes attending, and refuſing to give evidence, may be committed. *Ibid.* § 5.

Witneſſes, how to be ſummoned by commiſſioners for perpetuating the boundaries of lands. 1723, ch. 8, § 2.

—— Their allowance. *Ibid.* § 6.

Perſons imported as convicts may be witneſſes againſt other perſons ſo imported, and if convicted of ſwearing falſely, ſhall ſuffer as in the caſe of wilful and corrupt perjury. 1751, ch. 11, § 2, 3.

Where a witneſs is committed for want of giving ſecurity for his appearance to teſtify againſt a criminal, the county ſhall pay his impriſonment fees, or the ſtate, if the proſecution is in the ſuperior court. 1752, ch. 13, § 2.

—— Such fees, if payable by the counties, to be aſſeſſed in the county charges. *Ibid.* § 3.

County clerks to iſſue ſummonſes for witneſſes reſiding in a different county, to be directed to the ſheriff or coroner of ſuch county, and returned to the court before which the trial is to be had. October, 1777, ch. 12, § 1.

—— Such witneſſes ſhall, for non-attendance, be liable to attachment and fine, as if they reſided in the county. *Ibid.* § 2.

—— The ſheriff to whom ſuch attachment ſhall be directed ſhall make return thereof to the court by which it ſhall be iſſued, and produce the party before the ſaid court, to abide their ſentence. 1795, ch. 23.

Witneſſes to be allowed 11/3 in the general court, and 7/6 in the county or orphans courts, for every day that they attend, beſides itinerant charges. 1797, ch. 94, § 5, 6.

Witneſſes neglecting to appear when ſummoned, (without ſufficient excuſe,) may be fined £. 35 0 0 in the general court, and £. 20 0 0 in the county courts. April, 1782, ch. 40.

Witneſſes taken in execution on a recognizance forfeited for their non-attendance, may be diſcharged by the court on the terms therein preſcribed. *Ibid.* ch. 42, § 2.

Witneſſes on the trial of ſmall debts before a juſtice of the peace allowed 2/6 per day. 1791, ch. 68, § 7.

—— Witneſſes not attending when ſummoned on ſuch trials may be attached to the next county court, and fined not exceeding 20/. *Ibid.* § 8.

Power of the governor and council to procure the attendance of witneſſes on conteſted elections, and on complaints againſt officers of government, and to direct as to the coſts of their attendance. 1786, ch. 22.

Manner of ſummoning and compelling the attendance of witneſſes on commiſſions for marking and bounding lands. 1786, ch. 33, § 4, 1793, ch. 70, § 2, 3.

—— Their allowance, and manner of adminiſtering oaths to them. 1786, ch. 33, § 4, 7.

Directions reſpecting the continuance of ſuits where witneſſes are wanting, &c. November, 1787, ch. 9.

See CONTINUANCE. EVIDENCE.

On an order from the chancery court to a county ſurveyor to lay down lands for the illuſtration of any matter in the ſaid court, ſuch ſurveyor may iſſue ſummonſes for witneſſes wanting on the ſaid ſurvey, directed to the ſheriff or coroner, as required, and on their non-attendance, attachment of contempt, on motion to the chancellor, may iſſue. 1789, ch. 35, § 6.

WITNESSES.

On writs or warrants of refurvey from the general court, or any county court, the fheriff or coroner fhall fummon witneffes, and on their non-attendance attachment may iffue. *Ibid.* § 7.

—— Such witneffes to have the fame allowance as thofe attending a county court, to be recovered by order and attachment, or by warrant if under £. 5 0 0. *Ibid.* § 8.

Witneffes may be fummoned by the levy courts on the fettlement of infpectors accounts. 1793, ch. 47, § 5.

Witneffes may be fummoned to attend the judge of the land-office on the eaftern fhore, and attached and fined for non-attendance. 1795, ch. 61, § 12.

—— Such witneffes to have the fame allowance as thofe in the general court. *Ibid.*

—— Payment of fuch allowance may be compelled by attachment from the county court, or (if under £. 10 0 0,) by warrant. *Ibid.*

One affociate juftice in the county court may direct fubpœnas to iffue for witneffes to attend fuch court. 1796, ch. 43, § 5.

—— May direct attachments againft them for non-attendance. *Ibid.*

—— May direct any witnefs to be fworn to the grand jury. *Ibid.*

—— May take recognizance for the appearance of witneffes. *Ibid.*

The people called Quakers, thofe called Nicolites or New Quakers, thofe called Tunkers, and thofe called Menonifts, holding it unlawful to take an oath on any occafion, fhall be allowed to make their folemn affirmation as witneffes in the manner that quakers have been heretofore allowed to affirm, which affirmation fhall be of the fame avail as an oath to all intents and purpofes whatever. 1797, ch. 118, confirmed by 1798, ch. 83.

The orphans courts empowered to iffue a fummons for any witnefs, returnable at their difcretion, or as therein before directed. 1798, No. 101, ch. 15, § 13.

—— They may enforce the appearance of fuch witneffes by attachment and fine. *Ibid.*

—— Witneffes therein refufing to give evidence may be committed, or their property attached and fequeftered. *Ibid.*

Manner of appealing from a decree of the orphans court, given or made on a fummary proceeding, and on the teftimony of witneffes. *Ibid.* § 18.

Witneffes in the court of oyer and terminer in Baltimore allowed 7/6 per day, and 5/. per day for itinerant charges. 1799, ch. 58, § 8.

See DEPOSITIONS. EVIDENCE. TESTIMONY.

WOLVES.

An act for the deftruction of wolves, &c. 1728, ch. 7.

An act to encourage the deftroying of wolves. November, 1788, ch. 4.

—— A fupplement thereto. 1790, ch. 8.

Directions for levying money in Waffington and Allegany counties, *(after the division,)* due for the heads of wolves. November, 1792, ch. 13.

An act to encourage the deftruction of wolves in Baltimore county. 1797, ch. 6.

An act for the deftruction of wolves in Harford and Montgomery counties. *Ibid.* § 22.

An act for the deftruction of wolves in Frederick county. 1798, ch. 22.

WOOD.

Regulations refpecting the cording of wood in Chefter-town. November, 1792, ch. 40.

—— In Elkton. 1794, ch. 19.

—— In Centre-Ville. 1796, ch. 18.

WOODS.

Penalty on perfons fetting on fire the Catoctin, South or North Mountain, fo as to injure the timber, &c. November, 1792, ch. 49.

See MOUNTAINS.

Perfons wilfully and maliciouffy fetting on fire woods, &c. in Baltimore, Anne-Arundel, Frederick, Montgomery, Allegany, Queen-Anne's, Harford, Cæcil and Prince-George's counties, fo as to occafion any lofs or injury to others, fhall pay a fine not exceeding 100 dollars, half to the informer and half to the county, to be recovered by indictment. 1798, ch. 39, § 2.

—— Perfons not able to pay fuch fine fhall be imprifoned fix months. *Ibid.*

—— Slaves fo offending may be punifhed by whipping, unlefs the owner will pay a fine not exceeding £ 10. *Ibid.* § 3.

—— Perfons offending are liable alfo to an action on the cafe. *Ibid.* § 4.

WORCESTER COUNTY.

Somerfet county divided, and a new county erected on the fea-board fide, to be called Worcefter County. 1742, ch. 19.

Two towns to be laid out, one to be called Baltimore-town, and the other Newport. 1744, ch. 23.

—— A fupplement thereto. 1745, ch. 3.

—— Further time given for laying out the town of Newport. 1748, ch. 12.

An act for erecting a county fchool. 1746, ch. 7.

—— A fupplementary act. 1763, ch. 16.

The diviffion fettled between Dorchefter and Worcefter counties. 1750, ch. 13.

Eden fchool erected, &c. September, 1770, ch. 12, 1774, ch. 12.

—— An act to difpofe thereof. 1796, ch. 23.

An act to facilitate the draining of land. 1790, ch. 3.

The town of Snow Hill to be furveyed and laid out anew. November, 1792, ch. 53.

A new prifon to be built. 1794, ch. 4.

Wears on Dividing creek declared nuifances. 1795, ch. 25.

An act for erecting a new bridge over Dividing creek, between Somerfet and Worcefter counties. 1796, ch. 11.

An act refpecting the public roads. *Ibid.* ch. 59.

Commiffioners appointed to take a conveyance of ground purchafed for an alley in the town of Snow Hill. 1798, ch. 47.

The average value of land eftabliffied in Worcefter county at 20/3. 1785, ch. 53, § 2.

Caroline, Dorchefter, Somerfet and Worcefter counties, form the fourth diftrict for holding county courts. 1796, ch. 43, § 2.

—— Worcefter county court to be held on the fecond Mondays in February and Auguft. *Ibid.* § 3.

Dorchefter, Somerfet and Worcefter counties, form the eighth diftrict for the election of repreffentatives in congrefs. 1791, ch. 62, § 2.

Somerfet and Worcefter counties form the tenth diftrict for appointing electors to choofe the prefident and vice-prefident. 1795, ch. 73, § 1.

Worcefter county to be laid off into five feparate diftricts for the purpofe of holding elections. 1798, ch. 115, confirmed by 1799, ch. 48.

—— Commiffioners appointed to lay off the faid diftricts, and to fix the place of holding the elections in each. 1799, ch. 50, § 20.

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The working tools of mechanics, actually and conftantly employed in their refpective occupations, not to be valued or chargeable with the public affeffment. 1797, ch. 89, § 1.

WRECKS.

A wreck-maſter to be appointed by the governor and council in Worceſter county for the preſervation of veſſels ſtranded. 1799, ch. 82, § 2.

—— He may appoint conſtables to ſummon perſons to aſſiſt. *Ibid.*

—— He may demand aſſiſtance from the commanders of American veſſels riding near. *Ibid.*

—— Penalty on their refuſing. *Ibid.*

—— The wreck-maſter, and others aſſiſting, entitled to a reaſonable reward. *Ibid.*

—— Mode of recovering the ſame if refuſed. *Ibid.*

—— Directions for preſerving or ſelling the goods ſaved. *Ibid.*

—— Penalty on perſons entering ſuch veſſels without the authority of the wreck-maſter, or the leave of the commanding officer, or hindering them, or defacing the marks of the goods. *Ibid.*

—— A reſiſtance by force to ſuch perſons authoriſed. *Ibid.*

—— Penalty on not reſtoring goods which may have been ſtolen from ſuch veſſels, when found on any perſon. *Ibid.*

Perſons making a hole in any veſſel in diſtreſs, or ſtealing any pump, materials or goods, or wilfully doing any thing tending to the immediate loſs of ſuch veſſel, their aiders, &c. ſhall be guilty of felony without benefit of clergy. *Ibid.*

Penalty on the wreck-maſter abuſing his truſt, by fraud or wilful neglect. *Ibid.* § 3.

Penalty on conſtables, or perſons ſummoned by them, refuſing to aſſiſt. *Ibid.*

—— The wreck-maſter ſhall ſet up a copy of this act once in every year in the county court-houſe. *Ibid.*

He ſhall give bond and ſecurity in the county court for the faithful execution of his office. *Ibid.* § 4.

WRITS.

Directions reſpecting the ſtyle, the teſting, ſealing and ſigning, of writs. Conſt. 57.

In ſuits on adminiſtration and other bonds therein mentioned, the clerk ſhall, before the iſſuing of the writ, endorſe thereon the name of the party at whoſe inſtance, and for whoſe uſe, the ſuit was inſtituted, who ſhall be anſwerable for the coſts. 1794, ch. 54, § 10.

See COSTS.

Writs from each county court ſhall be teſted in the name of the chief juſtice, and in caſe of his death, &c. (before a new appointment,) by the aſſociate juſtice firſt named in the commiſſion. 1796, ch. 43, § 9.

Writs to be returnable on the days appointed by this act. *Ibid.*

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EVERY perſon licenſed to keep ferry acroſs Cheſapeake bay, ſhall carry on board each public ferry boat a good anchor and cable, and a ſmall yawl, with oars, &c. under the penalty of £. 10. November, 1788, ch. 33.

See FERRIES.

YEAR.

Execution may be iſſued on any judgment in the general or county courts, with ſtay of execution, at any time within one year next after the expiration of ſuch ſtay, provided that the ſtay is entered on the clerk's docket at the time of the judgment. October, 1778, ch. 21, § 7.

—— Execution may be iſſued after the diſſolution of any injunction of or from the court of chancery, or the diſcharge or expiration of any ſuperſedeas on appeal, or any writ of error, at any time within one year after diſſolution of ſuch injunction or diſcharge, or expiration of ſuch ſuperſedeas. *Ibid.*

On condemnation upon attachments, the plaintiff ſhall give ſecurity to make reſtitution of the goods, and chattels or credits, ſo condemned, or the value thereof, if the defendant ſhall, within a year and a day, to be accounted from the ſaid attachment awarded, appear to the original action, &c. 1715, ch. 40, § 3.

See ATTACHMENT.

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Perſons offering to vote for delegates, electors, ſheriffs or repreſentatives in congreſs, (except in Annapolis,) ſhall have been reſidents in the county one whole year next preceding the election, unleſs they have a free-hold as therein preſcribed. *Ibid.* 2, 4, 5, 6.

Electors of the ſenate to be choſen every fifth year. *Ibid.* 14, 1799, ch. 50, § 8.

Senators to be choſen every fifth year. Conſt. 15, 1799, ch. 50, § 8.

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